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23

A
DISSERTATION
ON THE
CIVIL GOVERNMENT
OF THE

H E B R E W S.

IN WHICH

The True **DESIGNS**, and **NATURE** of their
Government are explained.

The *Justice, Wisdom* and *Goodness* of the **MOSAICAL CONSTITUTIONS**, are vindicated :

In Particular,

From some late, unfair and false Representations
of them in the

MORAL PHILOSOPHER.

To which is added,

An **APPENDIX**, in which some Parts of that
Government are farther explain'd and vindica-
ted ; and some more unfair and false Representa-
tions of it by the **MORAL PHILOSOPHER** are
detected.

AND

CONSIDERATIONS on the Rev. Mr. *Foster's* Dis-
COURSE of the *Jewish Theocracy*, VOL. III. SERM. xv.

By **M O S E S L O W M A N.**

The **SECOND EDITION.**

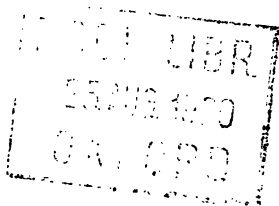
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E R R A T A.

PAGE 95, *Note line 10, for libamida read libamina. p.*
147, Note, for יפרן read יפרן. p. 168. l. 17. for with
read wrote. p. 188, at the Bottom, for Judges read Judes. p.
253, l. 16, for Inquiry read Injury. p. 276, l. 14, for he read
his. p. 343, l. 25, for of read or.





T O

Sir RICHARD ELLYS, Bart.

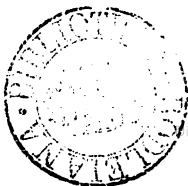
S I R,

YOU was pleased to favour the Design of the following Dissertation with your Approbation, when I had the Honour to lay it before you ; and to assist my Enquiry into a Subject somewhat uncommon, with the Use of your noble Library. What owes so much to your Encouragement, is now humbly offered to you for your Patronage.

You will perceive, from your hearty Concern for the Honour of Revelation, the Importance of discovering the Fallacy of the more popular Objections against the *Hebrew* Constitution, and of shewing them to be groundless and unreasonable ; whatever Influence they may have on an Age inclined to Unbelief, and where Ignorance of the true Designs and Nature of the *Hebrew* Government makes it not easy for all to find out the Fallacy of the Objections, or the most proper Answers to them.

A 2

It



D E D I C A T I O N.

It will give me much better Hope, this Dissertation may be of some Service to the World, if it shall appear to answer this Design in the Judgment of a Person, whose extensive and accurate Knowledge in the several Parts of Learning, whose great Understanding in particular in the Language, Laws and Customs of the *Hebrews*, Civil and Religious, enables him to discern so clearly through all Obscurity of the Subject, the just Weight of any Reasons offered in Vindication of the divine Wisdom and Goodness of this Part of Revelation.

Gentlemen of higher Rank and Understanding, have a very useful Influence, when Examples of Virtue and Religion : Where it appears they are themselves well persuaded of the Truths of Revelation, by making the Doctrines it teaches the Rule of their Lives, and the Hopes it gives the Foundation of their Peace and Joy ; it serves much to break the Force and Prejudice of Custom, in favour of Unbelief. Minds not quite lost in Infidelity, or Vice, will respect the Judgment of the wise, the unbiaſſed, and impartial ; and the Example of the knowing, the judicious and the virtuous, more than the Opinions of the ignorant, and thoughtleſs, or than the Practice of the prejudiced, or the vicious.

This, Sir, is a publick Usefulness, even in the Retirements of private Life : It ſerves the moſt deſirable publick Good, as it promotes
national

D E D I C A T I O N.

**national Virtue and Righteousness, which
best establish and exalt a Nation.**

**This is moreover a real personal Honour
in the sight of God, as well as in the Esteem
of the best of Men ; a most valuable Orna-
ment and Addition to Honours derived from
ancient and noble Families, from eminent
and illustrious Ancestors.**

**That it may please God to prolong a Life
so desirable for the publick Good, and grant
you the Support and Comforts of the Chri-
stian Hope, in whatever the Providence of
God may appoint for the Exercise and Im-
provement of your Faith and Patience ; and
finally crown you with the unmixed Happi-
ness of that Life and Immortality brought to
light in the Christian Revelation, is the hearty
Prayer of,**

S I R,

Your most faithful

obliged humble Servant,

MOSES LOWMAN.

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A
DISSERTATION
ON THE
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INTRODUCTION.

IT is somewhat surprizing, that when so many able Hands have undertaken to explain the religious Rites and Ceremonies, the civil Laws and Justice of the *Hebrew Church*, and Commonwealth; so very few should have undertaken to explain the Form and Polity of the Government itself.

The *Hebrew Commonwealth* is, without question, one of the most ancient of the World, and justly looked upon as a Model of Government of divine Original; it will deserve our Attention, as much sure, as any of the Forms of Government in the ancient times, either among the *Egyptians*, *Greeks*, or *Romans*. It should more especially deserve our Attention as Christians, who own the Laws delivered by *Moses* to the *Hebrew Nation*, to have been given by the Oracle of
B God,

God, and established by Authority of the supreme Governour of the World; in which therefore we may expect to find a wise and excellent Model, becoming the Wisdom of such a Lawgiver.

1 Chron.
xxviii. 5.

It will yet farther deserve our Attention, as a right Understanding of several Parts of the religious Rites and Constitutions of that Church will much depend upon a right Understanding of their civil Polity and Government; for in this Constitution both are much intermix'd with each other, so that the one is not clearly to be understood without the other. This Constitution is therefore well called a Theocracy, by *Josephus*; or a Government of God, in which God himself condescended to govern the *Hebrew Nation*, with the Title and Authority of their King. It is to the same Sense *David* speaks of the Succession of his Son *Solomon*, that he was *chosen to sit upon the Throne of the Kingdom of Jehovah, over Israel*. So that the Laws of Religion and State, in this Commonwealth, have a great Reference to one another, God being considered the Object of their religious Worship as the one only true and supreme God, and their supreme civil Magistrate as the political Head of their State. Hence learned Men * have very justly observed, that the Form of the Tabernacle, the Splendor of its Ornaments, the Service

* Spencer de leg. Hebræ. Dissert. de Theocrat. Judaica, c. v. §. 1. Witii Theocrat. Israelit. § ix, &c.

Service and Attendance of the Priests and Levites, and the Revenues belonging to the Tabernacle, have a Regard to the Honour and Dignity of the Crown, of the Court and Palace of the King of *Israel*, as well as to the religious Worship of the God of *Israel*. So that even these Parts of the religious Constitution of the *Hebrews* will be much better understood, by a right Knowledge of the political Constitutions of their Government, and by the Light such Knowledge has thrown upon them, in several Instances, and may yet further give unto them, I apprehend, in many more.

Finally, this Knowledge of the true Constitution of the *Hebrew* Government will, I think, be of considerable Use on another account. Some have fallen with uncommon Severity both on the religious and political Constitutions of *Moses*, and endeavoured to represent them not only as unwise and unequal, but as most unjust, tyrannical and cruel. These Constitutions are said to be
 “ a Refinement on the Superstition of *Egypt* ;
 “ and that to suppose or affirm any of them
 “ of the true God, must be equally absurd
 “ and blasphemous *.”

Every Lover of Truth will justly expect so heavy a Charge, drawn up in so insolent Terms, should be supported with good Vouchers ; and that the Constitutions of the *Hebrew* Government, as published by *Moses*,
 B 2 should

* Moral Philosopher, Vol. II. 139.

should plainly appear so absurd, tyrannical, and blasphemous, as they are represented to be, by plain Instances of some of the Constitutions themselves that are so; whereas a right Understanding of the Polity of that Government, as settled by *Moses* in the Name of God, would shew, that the most specious Objections are meer Blunders, and Mistakes, and are founded on an utter Ignorance of the true *Hebrew* Constitutions, or on such Good-will to censure and condemn them, as dares first to falsify them, in order afterwards to treat them as ridiculous or criminal.

It must be allow'd, however, that this Subject is not without its Obscurity. The Materials we have whereby to discover the political Form of this very ancient Government, are not so many or so full, as we have for some of the more modern Governments of *Greece*, or the Commonwealth of *Rome*. And tho' we have many Authors of *Hebrew* Republicks, who with great Diligence and Learning, have treated of their Religion; yet few have treated with Exactness and Judgment, of the political Government of their State.

The *Jus privatum* of the *Hebrews*, the Laws, Judges, and Courts, whereby private Justice was administred between Man and Man, and their Persons and Properties defended against private Fraud and Violence, have been largely considered by Authors of great

Judgment and Learning, who have shewn with plain Evidence, that they are every way equal for Wisdom, Justice, and Equity, to the Laws of any the greatest and most celebrated Lawgivers; many of which were very likely copied after these.

But the *Jus publicum*, the Form of the Government itself, the Orders by which, and the Officers by whom the publick Actions of Peace and War, and the collective Force of the whole Commonwealth were to be directed; and the * *Crimina læsæ Majestatis*, or treasonable Offences against the Honour, Authority and Safety of the State in general, have been passed over very slightly by the same learned Authors, it may be in part, because the few Materials to be found in so short an History, were thought insufficient to give a just Model of the publick Government; and in part, because the Religion and the private Justice of this Nation were accounted Subjects of greater Use and Concern.

The Materials are indeed few, and scanty enough; and therefore we are not to expect such an Account of the *Hebrew* Government, as we have of modern Governments, of the *German* Empire, *France*, or the United Provinces, or even of the more ancient Commonwealths of *Rome*, and in *Greece*, whose larger Histories shew their Constitutions so fully, as to point out the Wisdom and Ex-

B 3.

cellency,

* Corvini Def. Juris, p. m. 264. Instit. iv. Tit. xviii, §. 3. de læsæ Majestate.

cellency, or the Defects and Faults of the several Parts of them.

Yet the History of the Settlement of the *Hebrew* Nation in the promised Land, and the several Laws still on Record in the Books of *Moses*, will, I apprehend, if carefully considered and put together, give such an Account of the *Hebrew* Constitution, as may help us to form in general a true Idea of the Plan and Model of it; such an Idea as will appear absolutely inconsistent with the ambitious and tyrannical Views of an arbitrary and oppressive Government, with which *Moses* has been so weakly, as well as falsely charged, and such an Idea, as will shew this Constitution calculated in its whole Design, and fitted with the most political Wisdom, to preserve the Property, Liberty, and Security of the People, and therewith the Profession of the true Religion and the Worship of the one true God, against the universal Idolatry of the World; and to secure them from the Danger of all Attempts, either by Foreign Force or Domestick Ambition: As it will clearly appear that no such Attempts were ever like to succeed, but on a previous Alteration and Corruption of the Fundamentals of the Constitution itself; and that accordingly such Change was first actually made, whenever any such Attempts did succeed.

If I shall be able to set the Plan of the *Hebrew* Government in such a light that my Reader may perceive, and be convinced of
of

of the excellent Constitution of it, to maintain the Property, Liberty, Peace and Safety of the People, and to answer the particular Design of God in condescending to be their Lawgiver and King, to preserve the Faith and Worship of the one true God in the general Apostacy of the World to Idolatry; I would hope my Reader may find some Pleasure and some Profit in viewing one of the most ancient Constitutions of Government in the World, formed for one of the kindest Designs in the World, to preserve the Knowledge and Worship of the one true God, from the almost universal Corruption of Idolatry.

C H A P. I.

Chief Design, and principal Intention of the Civil Government of the HEBREWS.

TO lay down a true Plan of the *Hebrew* Government, it will be requisite previously to consider, what particular Views the Lawgiver might have in it. If any particular Ends were design'd, to promote which the Plan of the Government itself was to be adjusted; those Designs will help to explain many Parts and Constitutions of the Government, as it will shew the great Wisdom of the Legislature, which has made the Plan in

its several Parts most fit, and proper to setve, and secure those Ends.

The *Hebrew Government* appears not only designed to serve the common and general Ends of all good Governments; to protect the Property, Liberty, Safety, and Peace of the several Members of the Community, in which the true Happiness and Prosperity of National Societies will always consist; But

Exod. xix. *moreover to be an holy People to Jehovah, and a Kingdom of Priests.* For thus Moses is

Exod. xix. directed to tell the Children of Israel, *Ye 3. 4. 5. 6. have seen what I did unto the Egyptians, and how I bore you on Eagles Wings, and brought you unto myself. Now therefore if ye will hear my Voice indeed, and keep my Covenant, then ye shall be a peculiar Treasure unto me above all People; for all the Earth is mine, and ye shall be unto me a Kingdom of Priests and an holy Nation.* We learn what this Covenant

Deut. xix. was in a further Account of it. *Ye stand 10, 12, 13. this Day all of you before the Lord your God your Captains of your Tribes, your Elders and your Officers, and all the Men of Israel; that you should enter into Covenant with the Lord thy God, and into his Oath which the Lord thy God maketh with thee this Day; that he may establish thee to-day for a People unto himself, and that he may be unto thee a God, as he hath said unto thee, and as he hath sworn unto thy Fathers, to Abraham, Isaac and to Jacob:*

For

of the HEBREWS.



For ye know, adds Moses, how we have^{16, 17, 18.} dwelt in the Land of Egypt, and how we came through the Nations which ye passed by; and ye have seen their Abominations and their Idols, Wood and Stone, Silver and Gold which were among them, lest there should be among you, Man, or Woman, or Family, or Tribe, whose Heart turneth away this Day from the Lord our God to go and serve the Gods of these Nations.

Without any Enquiry into the critical^{Original} Meaning of these Expressions severally, every^{Contract of} one may easily see this general Intention of^{the He-}brew Government, to prevent^{Idolatry,} the Hebrew People, and their Oath by^{one principal} Jehovah their God and King, was, that they^{Design of it.} should receive and obey the Laws which he should appoint as their supreme Governour, with a particular Engagement to keep themselves from the Idolatry of the Nations round about them, whether the Idolatry they had seen while they dwelt in the Land of Egypt, or had observed in the Nations by which they passed into the promised Land. In keeping this Allegiance to Jehovah, as their immediate and supreme Lord, they were to expect the Blessings of God's immediate and particular Protection in the Security of their Liberty, Peace, and Prosperity, against all Attempts of their idolatrous Neighbours; but if they should break their Allegiance to Jehovah, or forsake the Covenant of Jehovah, by

by going and serving other Gods, and worshipping them, then they should forfeit these Blessings of God's Protection, and the Anger of *Jehovah* should be kindled against the Land, to bring upon it all the Curses that are written in this Book.

25, 26, 27.

The true Sense then of this solemn Transaction, between God and the *Hebrew* Nation, which may be called the *original Contract* of the *Hebrew* Government, is to this Purpose: If the *Hebrews* would voluntarily consent to receive *Jehovah* their Lord and King, to keep his Covenant and Laws, to honour and worship him as the one true God, in opposition to all Idolatry; then, though God as Sovereign of the World rules over all the Nations of the Earth, and all Nations are under the general Care of his Providence, he would govern the *Hebrew* Nation by peculiar Laws of his particular Appointment, and bless it with a more immediate and particular Protection; he would secure to them the invaluable Privileges of the true Religion, together with Liberty, Peace, and Prosperity, as a favoured People above all other Nations. It is for very wise * Reasons you may observe, that temporal Blessings and Evils are made so much use of in this Constitution; for these were the common and prevailing Inticements to Idolatry; but by thus taking them into the *Hebrew* Constitution, as Rewards to Obedience, and Punishments of Disobedience;

* Spencer de Leg. Hebr. §. 1. c. 3. p. 12.

obedience, they became Motives to true Religion, instead of Encouragements to Idolatry.

The idolatrous Nations worshipped subordinate Beings, whom they owned subject to the Supreme; but they believed they had the immediate Direction of the Blessings of Life; that they gave Health, long Life, fruitful Seasons, Plenty and Prosperity: This we are told, by * *Maimonides*, was a Doctrine taught by the *Sabians* in their Books, as well as in their Instructions to the People.

One of the oldest of the Prophets has so fully expressed this Reason of the Hebrew Constitution, that we need no further Evidence of it. *For their Mother hath played the Harlot, she that conceived them hath done shamefully; for she said, I will go after my Lovers, that give me my Bread and my Water, my Wool and my Flax, mine Oil, and my Drink . . . For she did not know* Hosea ii. 5, 8, 9. *that I gave her Corn, and Wine, and Oil, and multiplied her Silver and Gold, which they prepared for Baal. Therefore will I return, and take away my Corn in the Time thereof, and my Wine in the Season thereof; and will recover my Wool and my Flax, given to cover her Nakedness.*

The Prophet *Jeremiah* gives the same Reason why the *Jews* fell into the idolatrous Practice of burning Incense to the Jeremiah, xlv. 17, Queen of Heaven! *But we will certainly* 18. *do*

* *Maimon. Mor. Nevoc. p. 3. c. 30.*

Of the Civil Government

do whatsoever thing goeth forth out of our own Mouths to burn Incense unto the Queen of Heaven, and to pour out Drink-Offerings unto her, as we have done; we, and our Fathers, our Kings and our Princes in the Cities of Judah, and in the Streets of Jerusalem; for then had we plenty of Victuals, and were well, and saw no Evil: but since we left off to burn Incense to the Queen of Heaven, and to pour out Drink-Offerings unto her, we have wanted all Things, and have been consumed by the Sword and by the Famine.

This common Doctrine of Idolatry, that the several Blessings of Life came from some Demon or Idol, to whom the Authority and Power of bestowing temporal Blessings were committed, was of so general and powerful Influence, that it became the Wisdom of an Institution designed to preserve the Faith and Worship of the one true God, against Idolatry, to assert, that God was the Author of every Blessing of Life, that he had not parted with the Administration of Providence, or given over the Disposal of those Blessings to any subordinate Beings whatsoever; so that Health, long Life, Plenty and all kinds of Prosperity, were to be sought for from him, as his Gift, and only from his Blessing and Protection.

Whoever

Whoever has just Notions of the great ^{Evil of} Evils of Idolatry to the Dishonour of the ^{Idolatry,} supreme Sovereign and Governour of the ^{Wisdom to} World, to the Corruption of the essential ^{put a stop} Principles of true Religion and virtuous Practice, as Idolatry directed so many barbarous, immoral and inhuman Rites, and encouraged such enormous Acts of Vice, as Acts of Religion, of which some or other of the Idols they worshipped were Examples, and were esteemed to patronize them; it will appear to them a Design worthy the Goodness, as well as the Wisdom of God, to put some Stop to such a dangerous Evil: especially when it was so general and prevailing, that all Flesh had corrupted its way, and all the Nations of the Earth were running eagerly into it. Even the *Egyptians*, a People so famed for Wisdom and good Understanding, were as senseless and as corrupt in their Idolatry, as any of their Neighbours. The *Hebrews* themselves, whatever former Care had been taken to preserve the Knowledge of the true God, and true Religion in the Family of *Abraham*, were so addicted to this common Corruption of Religion, and were so ready to fall into it, that there seemed no other way left to put any stop to the Progress of Idolatry any where, or to preserve the true Religion in any People, but by some Constitution form'd on this Plan, and which might effectually carry on this Design in the several Parts of it: And this
the

the Goodness and Wisdom of God made a principal Design in the Constitution of the Jewish Government.

Another View of the Hebrew Constitution, to keep the Hebrews from Intercourse with Idolaters.

More effectually to answer this chief Design, there was another subordinate Intention in the Constitution of this Government. It was of no small consequence, to keep this Nation separate from other Nations, and from such Intercourse with Idolaters as might end in an Apostacy from their own Religion to the Idolatry of their Neighbours. There is then a Law in general given by *Moses*, in which he is directed to say in God's Name

Lev. xviii. *to the Children of Israel, I am the Lord*
 2, 3, 4. *your God, after the Doings of the Land of Egypt, wherein ye dwelt, shall ye not do; and after the Doings of the Land of Canaan, whither I bring you, shall ye not do; neither shall ye walk in their Ordinances, ye shall do my Judgments and keep my Ordinances to walk herein; I am Jehovah your God.*

Further, *Moses* having recited the many and great Abominations committed by the *Canaanites*, on the Loss of the right Knowledge of the one true God and of the true Religion; and through the Corruption of idolatrous Doctrines and Practices; it is added,

24, 30. *Defile not ye yourselves in any of these things: for in all these the Nations are defiled, which I cast out before you. And again, therefore shall ye keep mine Ordinance, that ye commit not any one of these abominable*

abominable Customs which were committed before you, that ye defile not yourselves therein, I am Jehovah your God. For the same purpose it is repeated, *And ye shall not walk in the manners of the Nations which I cast out before you, for they committed all these Things, and therefore I abhorred them; but I have said unto you, ye shall inherit their Land, and I will give it unto you to possess it; a Land that floweth with Milk and Honey. I am the Lord your God which hath separated you from other People, and ye shall be holy unto me; for I the Lord am holy, and have separated you from other People that ye should be mine.* Levit. xx. 23, 24.

It had appeared by notorious Examples, how easily the Hebrews themselves were to be enticed into Idolatry, by frequenting the Company of Idolaters, and by conversing too much and too familiarly with them, while Israel abode in Shittim; *The People began to commit Whoredom with the Daughters of Moab, and they called the People to the Sacrifice of their Gods; and the People did eat, and bowed down to their Gods: So easy was the Passage from feasting with them on their Sacrifices, to joining with them in their Idolatry. Thus Israel joined himself to Baal-peor.* Numbers xxv. 1, 2.

Such an Example of prevailing Idolatry, is justly given, as a sufficient Reason for a careful Separation of the Hebrew People from idolatrous Neighbours, in order to prevent

Deut. iv.
3. &c.

vent so very dangerous Temptations in future times. Moses therefore thus exhorts Israel, *Your Eyes have seen what the Lord did, because of Baal-peor, the Lord thy God hath destroyed them from among you; but ye that did cleave unto the Lord your God, are alive every one of you this Day. Behold I have taught you Statutes and Judgments, even as the Lord my God commanded me, that you should do so in the Land whither ye go to possess it. Keep therefore and do them, for that is your Wisdom and your Understanding, in the Sight of all the Nations which shall hear of all these Statutes, and say, surely this great Nation is a great and understanding People.*

Deut. vii.
3. 4

Among the Laws here spoken of, there are some, the Wisdom of which appear principally, if not solely, as they were chosen and commanded to this end, to separate the Hebrews from their idolatrous Neighbours, by a Prohibition of every idolatrous Rite. The Law itself for prohibiting Inter-marriages with Idolaters expressly gives this Reason for it, *Neither shall you make Marriages with them, thy Daughter thou shalt not give unto his Son, nor his Daughter shalt thou take unto thy Son; for they will turn away thy Son from following me, that they may serve other Gods; so will the Anger of the Lord be kindled against you, and destroy thee suddenly.*

Many

Many other Laws, which at first view seem to be of small Importance and Concern, for the enacting of which some look for no Reason at all, but the alone Will of the Law-giver, will appear in this View, of Concern and Importance, sufficient for the Wisdom of God to take notice of, when he gave his Laws to this Nation. The most judicious of the *Hebrew* Doctors, has very well explained several of the *Mosaical* Laws upon this single Consideration.

He gives this general Reason for many Laws, " That they were made to keep Men " from Idolatry, and such false Opinions as " are a-kin to Idolatry; such as the Pretences " to Incantations, Divinations, foretelling " Things by the Stars, or by the Possession " of some Spirit or Demon, or consulting " with such Persons *". He farther justly observes, " That such things as are supposed " to be effected by any magick Actions, or " are founded on any Dispositions or Influ- " ences of the Stars, necessarily induce Men " to reverence and worship them†. He ob- " serves, many of the magick Rites con-

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" sisted

* De quibus manifestum est illa (Præcepta secundæ Classis de Idololatria) ad Homines ab Idololatria arcendos esse tradita, aliisque falsis & hæreticis Opinionebus, quæ Idololatriz sunt affines, ut sunt Præstigiatorum, Incantatorum, Astrologorum, vel Magorum, Divinatorum, Pythonum, & Consulentiæ ipsos, aliorumque hujus farinae Hominum. *Maimon. Mor. Nevoc. l. 3. c. 37.*

† Quæ ex opere magico sequuntur, & stellarum dispositionibus & rationibus innituntur, unde necessario ad colendas & venerandas illas deveniunt. *Id. ibid.*

“ fifted in certain Geftures, Actions, or the
 “ Ufe of certain Words, and mentions feveral
 “ Examples of fuch Superftitions; among
 “ the reft, a remarkable Rite to prevent a
 “ Storm of Hail *”.

However trifling fome of the *Mofaical* Laws may appear at firft View, and unworthy the Wifdom of God to enact them as Laws; yet the Cafe will appear quite otherwife, when they are confidered as neceffary Provisions againft the Danger of Idolatry.

Levit. xix.

27.

The Law, for instance, that appoints, *Ye fhall not round the Corners of your Heads, neither fhalt thou mar the Corners of thy Beard*, will thus appear Directions of Importance, when it was to prevent a magical Custom of the idolatrous Priests, who made this fort of cutting off their Hair and Beards effential to their Worship; and ufed them as things of confequence, in order to procure from their Idols the feveral Bleffings they defired and prayed for. A Prohibition of fuch idolatrous and magical Ceremonies was not fo trivial, or below the Care of a wife Lawgiver, who had a Design in the Conftitution of the *Hebrew* Government, to keep that People from all idolatrous Customs.

29.

In like manner, we may eafily perceive a Reason, why the Law fhould direct, *Neither fhall*

* Si quatuor mulieres in tergo jaceant, & pedes fuos cum compofitione verfus cœlum extendant, certa verba, certos item gæſtus adhibeant, illas turpi hac actione, Grandinem decidentem avertere. *Id. ib.*

shall a Garment of Linnen and Woollen come upon thee; when we understand, that such mixed Garments of Linnen and Woollen were the proper Habits of idolatrous Priests; and which, according to the professed Doctrines of their idolatrous Worship, were supposed to have some powerful magical Virtue in them.

For the same Reasons we can easily understand the Wisdom of appointing by Law, *that the Woman shall not wear that which appertaineth unto a Man, neither shall a Man put on a Woman's Garment; for all that do so are Abomination to the Lord thy God; when it was an idolatrous Constitution of their Neighbours, as * Maimon found it in a magick Book, That Men ought to stand before the Star of Venus in the flowered Garments of Women; and Women were to put on the Armour of Men before the Star of Mars, as Bishop Patrick on the Place truly represents its Meaning.*

The same idolatrous Custom is observed by *Macrobius*, that Men worshipped *Venus* in Women's Habits, and Women in the Habits of Men †.

There is no Reason then, we see, to imagine that these Laws, which were to distinguish the *Hebrew* People from the idolatrous

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Nations,

* *Maimonides*, *ibid*.

† *Philcorus* quoque in *Attide*, eandem (*Venerem*) affirmat esse *Lunam*, & ei sacrificium facere, *Viros* cum veste muliebri, *Mulieres* cum virili, quod eadem & mas æstimatur & foemina. *Macrobius Saturn. l. 3 c. 8.*

Nations, were made only out of hatred to their Neighbours, and to all their Customs and Manners, good or bad, innocent as well as idolatrous. It * appears on the contrary to be plainly quite another Reason ; it was from a wise Care of their Preservation from such idolatrous Customs, as there was very great Reason to fear, would prove a dangerous Temptation to lead them into Idolatry, and which were hardly to be used without it. All Reflections, with how much Confidence soever on the *Hebrew* Laws, as if they were establish'd upon no better Motives than the Hatred of their Neighbours, will appear in this view groundless, and without all Foundation ; when the true Reason shall appear so wise, so plain, and so natural.

These two Views then, to preserve in the *Hebrew* Nation the Knowledge and Worship of the one true God, and to preserve it from the spreading Evils of Idolatry, by separating it from the Society of Idolaters, by forbidding all Use of idolatrous Rites and Customs, may be looked upon as considerable Intentions in the Constitution ; according to which, we are to examine and to judge of the Equity and Wisdom of the Constitution itself. Neither of which can be so well judged of, without taking these Intentions into Consideration. If we regard the *Hebrew* Constitution, only as an Institution of Religion and religious Worship, or only as a civil Polity and

* Spencer, Leg. Heb. l. 11. c. 3. § 1.

and a Form of Civil Government, we shall widely mistake the true Nature of it. It is evident beyond question, the *Mosaical* Account of it represents it as a Theocracy, in which *Jehovah* is God, and King; and in which the true Worship of the only true God was to be preserved against Idolatry, and the Nation in obedience to the Laws of this Institution, should enjoy Liberty, Peace, Prosperity and Happiness in the Protection of a wise and powerful Government.

It may be proper to observe here, that these Designs appear in themselves worthy the Wisdom and the Goodness of God; that he should take care in some proper way to put a stop to so prevailing a Course of Idolatry. If the Design shall appear in itself manifestly wise and good, the proper Means to effect it will appear to be equitable, wise and good also. Some seem not to perceive, at least are not willing to own this. The more fully then to make us sensible of it, let us briefly observe some of the many great Evils of Idolatry, which this *Hebrew* Constitution was intended and formed to prevent.

One of the chief and most influencing Principles of Idolatry, was a false Persuasion that the temporal Blessings of Life, Health, Length of Days, fruitful Seasons, Victory in Wars, and such Advantages, were to be expected and sought for as the Gifts of some inferior and subordinate Beings, as Guardians of mortal Men; or from some secret

Influences of the Stars, and heavenly Bodies, supposed inhabited, and animated by some powerful Beings, or Gods, whose Protection and Favour were to be obtain'd by the Use of some magical Ceremonies, Gestures and Words, or by some senseless or some barbarous Rites of Worship.

Thus Men came not only to lose the true Knowledge of the one, only God, and of his immediate Providence, and that all these Blessings could therefore come from him alone, who was best pleased and best worshipped by Virtue, Goodness, Righteousness and true Holiness; but they became necessarily vicious and corrupt in Practice, as well as Principle. They came to think they were not to expect the Blessings of Life from the Favour of the one true God, a Being himself of infinite Purity, Righteousness and Goodness, by reverencing and by imitating him; but from the Favour of a *Jupiter*, who with all his fine Titles is represented in his History, to have been as intemperate as lustful, and as wicked as any the worst of Men; or from a *Mercury*, a Patron of Thieves and Robbers; or from a *Bacchus*, the God of Intemperance and Drunkenness; or from a *Venus*, the Patroness of all manner of Uncleaness, and Debauchery.

The known Principles and the most sacred Ceremonies and Mysteries in the idolatrous Worship of such Deities, actually shewed what Encouragement was given to all manner
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of Vice. They extinguished all religious Principles of moral Virtue and Goodness, and gave additional Strength to Men's natural Inclinations, to Intemperance, Lust, Fraud, Violence, and every kind of Unrighteousness and Debauchery *.

The † *Pballi*, and the ‡ *Mylli*, known religious Rites in the Worship of *Bacchus*, *Osiris*, and *Ceres*, were such obscene Ceremonies, that Modesty forbids to explain them. It may be sufficient to mention the known Custom of Virgins before Marriage, sacrificing their Chastity to the Honour of *Venus*, as a lascivious Goddess, as the Historian expresses it ||, lest she alone should appear lascivious. A Custom, according to the Historian, which was especially used in *Cyprus*, which was in the Neighbourhood of *Canaan*.

Idolatry had introduced another most cruel Custom of human Sacrifices: Th's prevailed among the *Phenicians*, the *Tyrians*, and the *Cartbaginians*, a *Tyrian* Colony; on which inhuman Custom the forementioned Historian

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makes

* Curnon in promiscuos appetitis effundat se homo, & ingenta fragilitate præcipitatus, & magisterio sanctæ divinitatis adjutus. *Arnobius*, l. v. p. 175.

† Ex ea re tum privatim tum publicè, lignea virilia thyrsis alligata per eam solemnitatem gestabant, fuit enim Phallus vocatum, membrum virile. *Schædus de Diis Germanis*, p. 130.

‡ Heracides Syracusius libro de vetustis & sanctis moribus scribit apud Syracusios in perfectis Thermophoriis, ex sesamo & melle fingi pudenda muliebria, quæ per ludos & spectacula circum ferebantur, & in tota Sicilia vocabantur Mylli. *Natalis Comit. l. v. p. 491. Athenæi Deipnos. l. xiv. p. m. 647.*

|| Ne sola impudica videretur. *Justin. l. xviii. c. 5.*

makes this Remark, that they used a bloody and wicked Rite of Religion, as a Remedy. They offered Men for Sacrifices, and brought young Children to the Altars, at an Age that usually moves the Compassion of an Enemy; and endeavoured to obtain the Favour of the Gods by the Blood of those, for whose Lives Prayers were more generally used to be made to the Gods*.

This cruel † Custom, how inhuman soever, such were the evil Effects of Idolatry, soon became almost universal; and spread itself among the *Greeks*, the *Gauls*, and the *German Nations*.

Among the *Canaanites*, it was a known Custom to offer their Children to *Moloch*, likely the same Idol with *Adramelec*, and *Anameleck*. Some learned Men have indeed been willing to believe, that passing thro' the Fire to *Moloch*, might mean a sort of Purification, rather than actual burning them in the Fire; but besides the Testimony of Historians in general to the Practice of other Nations, the Scriptures plainly mean consuming them to Death by Fire. So it is described by the Prophet *Ezekiel*, *And have caused their Sons, whom they bare unto me, to pass through the Fire to devour them.*

Ezekiel
xxiii. 37.

* Cruenta sacrorum religione, & scelere pro remedio usi sunt. Quippe homines, ut victimas immolabant, & impuberes quæ ætas etiam hostium misericordiam provocat, aris admovebant; Pacem Deorum sanguine eorum exposcentes, pro quorum vita Dii, rogari maxime solent, *Justin. l. xviii. c. 6.*

† Schædius de Dijs Germanis, p. 593.

them. Did they * cause them to pass through the Fire, only to purify them, and to preserve them alive? No, certainly; but to devour or consume them. The same Prophet elsewhere determines this Meaning, *Thou* xvi. 21.
hast slain my Children, and delivered them to cause them to pass through the Fire. It is charged as an Act of Idolatry in *Abaz*, *that* 2 Kings xvi. 3.
he caused his Son to pass through the Fire, according to the Abomination of the Heathen:
 This is explained in another Place, *that he* 2 Chron. xxviii. 3.
burned his Children in the Fire after the Abomination of the Heathen. And it is expressly said of *Adrameleck*, and *Anameleck*, the Idols of *Sepheruaim*, *that they burned* 2 Kings xvii. 31.
their Children in the Fire to them.

If we consider the many other abominable Immoralities of the *Canaanites*, by which they defiled themselves, as they are enumerated in the Prohibition of them to the *Hebrew Nation*, we may easily perceive, that a Lev. xviii.
 Nation which had defiled themselves in so many and so great Abominations, did well deserve an exemplary Punishment from the righteous Judge of the Earth; that it was wise as well as just, to shew in their Punishment, that their Idols were not as they imagined and falsely believed, the Givers of long Life, Peace, and worldly Prosperity; but that the one true God was alone the supreme Disposer of all the Blessings of Providence; and that none
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* Reland Dissert. viii. de vet. Ling Persar. voce Adar.

of the Idol Gods, in whom they trusted, could save them out of his Hand, or deliver them, when God should visit their Iniquities.

May we not also perceive a kind Design, in giving some remarkable Instances of Providence, for the Punishment of so gross Immoralities, the Effects of idolatrous Principles and Practice, and for the Encouragement of such Acknowledgement and Worship of the true God, as was the best Preservative against these Abominations, by some observable Instances of particular Protection and Favour; to let such Worshippers of the true God know, that by keeping themselves from those Abominations, the natural and usual Effects of Idolatry, they were to hope for the Continuance of such particular Protection and Favour in all After-times?

Hence it may appear, the Severity with which the *Hebrew* History acquaints us, the *Canaanites* were punished, and the Title whereby the *Hebrews* held their Land, whom God cast out before them, were no Ways inconsistent with the Justice or Wisdom, or Goodness of God, as some have insinuated. The Question is really brought to this one Point, Whether such abominable Immoralities, as followed naturally and universally from their idolatrous Principles and Forms of Worship, were not highly criminal, so criminal as to deserve a Punishment? that it became the Justice and Wisdom of the Governor of the World, to put some stop to them,

them, to prevent them in some Measure by forming and establishing a Constitution in which the Knowledge and Worship of the one true God should be preserved in Opposition to Idolatry, a perpetual Source of innumerable Vices and Immoralities. Idolatry, you see then, appears in the natural Fruits of it, not only an Error of the Understanding, not at all a Matter of harmless Speculation, but a Fountain of very dangerous Immoralities, which led Men naturally and even with the Encouragements of Religion, into Intemperance, Uncleanneſs, Murders, and many Vices, inconfiſtent with the Proſperity and Peace of Society, as well as with the Happineſs of private Perſons. When God ſhall puniſh ſuch Iniquities, he puniſhes Men for their Wickedneſs, not for their Errors. He puniſhes Men for ſuch Wickedneſs, as deſerves to be puniſh'd, whatever pretended Principles or real Dictates of Conſcience it may proceed from. No Man ſure, can reaſonably account it Injuſtice in a Government to puniſh Sodomy, Beſtiality, or the frequent Murder of innocent Children, what Pretences ſoever Men ſhould make to Conſcience or Religion, in Vindication of them. The moſt unnatural Sins were countenanced by the Myſteries of idolatrous Worſhip*; the Uſe of that obſcene Ceremony the *Pballi*, ow'd its Original to the Memory

* Schædius de Diis Germanis, 130, Clement. Alexand. Admonit. ad Gentes, p. m. 22.

Memory of the Sin against Nature, and to the History of a God hallowing it by his own Act. Can any Man reasonably call such a Restraint of Vice Persecution, when not to endeavour by all Means to restrain it would argue a great Neglect, Weakness and Folly, in any Administration of Government whatsoever.

If then a Punishment for so heinous Crimes and Immoralities will be just and wise in itself, which way can any Man find out, to make it unjust or unwise in the supreme Governor of the World? How can it be unjust in him, to appoint such Persons as he shall think most fit, to execute such righteous Judgment by his Commission? The common Rights of Nations, and any personal Claim of the *Hebrews*, are altogether out of this Question; the History plainly shews, they made no personal or national Claim at all to the Land of *Canaan*; but that God cast out the People before them, for all their Abominations; that it was not their own Power, but the Hand of God, which brought them out of the Land of *Egypt*, and into the promised Land. So that the whole is considered as the immediate Act of God himself, for the Proof of which the History gives a long Series of Miracles, in *Egypt*, at the Red-Sea, for many Years in the Wilderness, at the taking of *Jericho*, and settling the *Hebrew* Nation in the Possession of the promised Land.

And

And here let us just observe, what will be shewn more fully hereafter, that this very way of punishing the *Canaanites* for their many great Abominations by the *Hebrew* Nation, to whom God gave the Possession of their Land, has some peculiar Marks of Wisdom; which may shew it fit to be preferred to many other ways; such as pestilential Distempers, Fire from Heaven, or a Flood, ways in which God had punished the Wickedness of the World in former times. For this was a very fit means for the Cure, as well as the Punishment of Idolatry, to destroy the Root of these great Evils, as well as to execute righteous Judgment on those who had committed them. This was a Design every way worthy the Wisdom and Goodness of God. Sure then, no ways inconsistent with his Justice. The Protection of the *Hebrew* Nation, and the Favour of God to them as a peculiar People, was a visible and standing Confutation of Idolatry; it shewed, that *Jehovah*, the one true God, the King of *Israel*, had himself an immediate hand in the Administration of particular Providence; that he had not given it out of his own Hands into the Hands of any inferior Beings whomsoever, which Error was the great Foundation of Idolatry. It further shewed the Power of *Jehovah* the true God, manifested in the Protection of his People, superior to the Power of all the Idols of the Heathen; and that none of the
false

false Gods they worshipped could be compared to *Jehovah*:

This is a Question then not to be argued from the common Rights of Men, and Nations; for no such Rights, either of Invasion or Conquest, are so much as pretended to in the most distant manner. We see the only Point in question, is, What are the Rights of God's supreme Authority? What is consistent with the Wisdom of his Government, how far he may punish the greatest Immoralities with temporal Evils? Ask the sacred History, it will tell you, the *Hebrews* set up no Title to the Land of *Canaan*, either civil or religious, in their own Right; it only makes the Rights of the Sovereign of the World as extensive as the Rights of the Chief Magistrates in every Government are allow'd by the Laws of Nature and Nations to be over their own Subjects. The Scriptures on this question only assert, that God gave a Commission to execute his Sentence, which was either a Forfeiture of Lands, or Life, for a long Commission of Crimes, that deservedly incurred a Forfeiture of both.

Whether the *Hebrew* Nation had really such a Commission from God, or no; whether they were truly directed by a divine Oracle; whether such Wonders were really wrought before their Eyes, and such unquestionable Instances of divine Favour and Protection in a long Series for many Years, as the *Hebrew* History relates? These are all Questions

Questions of Fact. But in all such Questions general and abstract Reasonings can have no place, where the Facts themselves are naturally and morally possible, as every one may perceive they are in this case. If the supreme Governor of the World has a Right to give such Commission, if it is not unjust to use the Hands of Men, instead of a Plague or Fire from Heaven, to punish the Wickedness of Men, the only Question that can remain in such a case is this, Whether in fact the *Hebrew* Nation did really receive such a Commission from *Jehovah*, or no? Thus far then the whole will rest upon the Evidence of the *Mosaic* Revelation; and there I shall leave it, it not being the Design of this Dissertation to enter into an Argument, in which many, as I apprehend, have already given so full Satisfaction.

C H A P. II.

Plan of the HEBREW Government.

HAVING premised the principal Views and Intentions of erecting the *Hebrew* Government, and of its civil Polity, we may proceed to consider the Government itself.

The *Hebrews* were intended to be a Nation, which should preserve the Knowledge and Worship of the one true God, in opposition to all Idolatry; and therefore to be a distinct

distinct Kingdom, separate from the idolatrous Nations every where about it.

This was to be a Government formed for the Peace and Prosperity of the Subjects of it; to have these Blessings secured by a particular Protection of *Jehovah* their God and their King, they keeping to the Constitution of his Government, and in Obedience to his Laws. It was a Government design'd to continue for many hundred Years, *the Scepter was not to depart from Judah, nor a Law-giver from between his Feet, till Shiloh came.* They were to enjoy their Religion and their own Polity, till a better Constitution should take Place in the Kingdom of *Messiah*: This was then to be an Establishment for above fourteen hundred Years.

The Wisdom of this Policy you perceive, is principally to be seen in two Provisions: The first for the Preservation of the Peace, Prosperity, and Power of the *Hebrews*, as a distinct Nation, from all Invasions of foreign Nations, and from all Ambition of great Men, or popular Sedition among themselves to destroy either. The other was to provide for the Preservation of the true Religion, and to keep out Idolatry, that it might not infect this People, as it had already all the other Nations of the World.

The wise Provision made for both these Ends will best appear by considering the true Form of this Government, as God appointed it by his Servant *Moses*. This alone is the true

true Plan of it, which must be carefully distinguished from all Deviations from it; or Corruptions of it, whether under the Judges, the Kings, or the *Macchabees*; so that whatsoever may be found among any Constitutions, or in any Acts of the Administration in those times, that may justly be blamed or censured, they are solely to bear the blame: An original Constitution, different from them, will be altogether free from it.

Property is the natural Foundation of Power, and so of Authority; hence the natural Foundation of every Government is laid in the Distribution of the Lands or Territory belonging to it, to the several Members of it. If the Prince is Proprietor of the Lands, as in some *Eastern* Governments, such Prince will be absolute; for all who hold the Lands, holding them of the Prince; and enjoying them at his Will and Pleasure, are so subject to his Will, that they are in a condition of Slaves, not of free Subjects. If the Property is divided among a few Men, the rest holding of them, and under them as Vassals, the Power and Authority of Government will be in the hands of those few Men, as a Nobility, whatever Authority may be lodged in the hands of one or more Persons, for the sake of Unity in Counsel and Action; but if the Property be generally divided near equally among all the Members of the Society, the true Power and Authority of such Government will naturally be in all the Mem-

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bers of that Society, whatever Form of Union they may have, for the better Direction of the whole as a political Body.

C H A P. III.

Of the H E B R E W Territory, and Distribution of it.

THE Territory, in which this Government of the *Hebrew* Nation was to be settled, lay as it were between the great Empires of *Egypt*, *Assyria*, and *Babylon*; though more immediately bounded by some smaller Nations in *Syria* and *Arabia*, of less Power and Extent of Dominion.

*Extent of
the He-
brew Ter-
ritory.*

The Extent of this Country, and its Contents in Acres, have been very differently described by Authors. I would avoid all geographical Niceties concerning the Situation of Places, mentioned in the more ancient History, as of little use; yet it will be necessary, I think, to give a general Account of the Extent of the *Hebrew* Territory, to obviate an Error which has misled some accurate Authors into a Mistake of great Consequence. *Hecataeus* in *Josephus* *, makes the Territory of *Judæa* to contain only three Millions of Acres, which seems a small Provision of Land for the whole Number of *Israelites*, who were to be settled in it.

Upon

* *Josephus contra Apion. c. 1. p. m. 1049.*

Upon this Computation Mr. *Harrington* * observes, " The Land of *Canaan* would have afforded to this Commonwealth a Root or Balance, consisting of three Millions of Acres; which, reckoning the whole People in the twelve Tribes at six hundred and two thousand (which is more than in the latter Poll they came to) would have afforded unto every Man four Acres, with a handsome Remainder, for the Princes of Tribes, Heads of Families, *Levitical* Cities, and other publick Uses; four Acres to a Man, he observes, may seem but a small Lot; but to lessen the Difficulty, he adds, yet the *Roman* People under *Romulus*, and long after, had but two." But I think this Difficulty will be much better answer'd by observing, that *Hecataeus*, who lived under *Ptolemy Lagus*, first King of *Egypt*, on the Division of *Alexander's* Empire among his Captains, very likely gave an account of that part of *Judæa* only, which the *Jews* inhabited at that time by Allowance of *Alexander's* Generals, and the King of *Egypt*; and when ten of the Tribes were lost in Captivity, and many of the *Jews* were settled in other Places, and when the *Samaritans* were actually possess'd of a great Portion of the ancient *Hebrew* Inheritance. However it be, this Computation of *Hecataeus*, which so many learned Men have follow'd, cannot be a true Account of the Ter-

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ritory,

* *Harrington's* Commonwealth of Israel, l. 1. § 12.

ritory, which *Moses* directed to be divided among the twelve Tribes.

For the general Bounds of this Territory are fixed to be, from Mount *Lebanon* on the North to the Mountains of *Scir* and *Sin*, or part of *Arabia Petraea* on the South; and from the *Mediterranean* Sea Westward, to the Mountains of *Abarim*, and the Desert of *Arabia*, on the East. If you consult the best Maps of *Spanheim*, *Cellarius*, and *Reland*, you will find, that this Country is situate from about 31 to 34 Degrees North Latitude. *Cellarius* in particular makes Mount *Scir* and *Bozra*, not quite 31; and Mount *Lebanon* and *Sidon*, above 34.

And this Account is confirmed by known measured Distances of Places. The measured * Distance from *Dan* to *Beersheba*, both which were within their respective Bounds North and South, is one hundred and sixty Miles; to this, if you add the Distance from *Dan* to Mount *Lebanon*, and from *Beersheba* to Mount *Scir* and *Arabia Petraea*, the Length of the promised Land North and South, may well be reckon'd at two hundred Miles.

As to the Breadth East and West, tho' it was unequal in several Places, yet † *Spanheim* places *Rhinocolura* at 52 Degrees, 30 Minutes, Longitude; and the Borders of *Arabia* the Desert, at 56 Degrees, 20 Minutes; and

* *Reland* *Palestina*, l. 2. c. 5.

† *Spanheim* *Charta Terræ Israelis*.

and many considerable Places short of the Desert, are in 56, as *Philadelphia*, *Pilla*, *Mount Gilead*, and even *Damascus*. To take the Distance from *Joppa* to *Arabia*, which was a middle Distance between the shortest and the longest, and so may serve for a common Measure; *Joppa* is reckon'd 53 Degrees 34 Minutes, and the Borders of *Arabia* 56 Degrees 20 Minutes, or about 3 Degrees of Longitude, which, at that Latitude, will be at about fifty Miles to a Degree; in the whole, one hundred and fifty Miles: If we further compute this Distance by actual Measure*, from *Joppa* to *Jordan*, was sixty-five Miles; from *Jordan* to *Philadelphia*, forty-five; in the whole, one hundred and ten: If to this we add the Distance from *Philadelphia* to the Desert, twenty or twenty-five Miles, it will be one hundred and thirty; or one hundred and thirty-five Miles from East to West.

And it is to be observ'd, that the Mountains were themselves included within the Bounds, as well as some Spaces beyond them, especially to the East and South, in so much that sometimes *Moses makes Euphrates the Eastern Boundary of the promis'd Land*; however it is plain, the *Hebrews* had the Privilege of Common in the Desert of *Arabia*, and sent their Cattle to feed there, which, however desert in the general, had yet

Deut. i. 7.

D 3

many

* Reland Palæst. ib.

many Spots of good Ground interspersed among the more barren Parts.

Hofea
xiv. 7.

The Mountains themselves were a profitable Possession, affording Timber in plenty, and of great Value, as the Cedars of *Lebanon* sufficiently shew. *Lebanon* was even famous for its Wines, and the other mountainous Parts abounded in Honey of an excellent-kind; and fed great Numbers of Goats and Kids.

Here are three Computations of the Contents of the *Hebrew* Territory; the largest at two hundred Miles by one hundred and fifty, which is no ways unreasonable, including the Boundaries. The Middle, which reckons one hundred and eighty Miles, by one hundred and thirty, is certainly not an over-reckoning, adding the Ground from the Cities to the Boundaries, to the measured Distance between City and City. The least Computation, by the measured Distances from one City to another is certainly too little, as it plainly leaves out a very considerable and profitable Part of the Territory; and yet this Computation is one hundred and sixty Miles, by one hundred and ten.

The lowest of these Computations then will contain eleven millions two hundred and sixty-four thousand Acres; the mean Computation fourteen millions nine hundred and seventy-six thousand Acres; and the largest will contain nineteen millions and two hundred thousand Acres.

The

The very lowest Calculation would have allow'd a Division of sixteen Acres and a half to each of the six hundred thousand *Hebrews*, for their personal Property; and a Remainder of one million two hundred and sixty-four thousand Acres for the *Levitical* Cities, the Princes of Tribes, the Heads of Families, or other publick Uses, which is above four times as much as the common Calculation from *Hecatæus*.

According to the mean Computation, the Contents in Acres will be fourteen millions nine hundred and seventy-six thousand. This Quantity of Land will divide to six hundred thousand Men, above twenty-one Acres and an half in Property, with a Remainder of one million nine hundred and seventy-six thousand Acres for the aforesaid publick Uses; above five times as much as the common Computation from *Hecatæus*. In the largest Calculation, the Contents in Acres will be nineteen millions and two hundred thousand; which will divide to each Man twenty-five Acres in Property, and will leave four millions of Acres for publick Uses, which is above six times as much as *Hecatæus* computes in his Reckoning of three millions of Acres. I hope, it will not be thought impertinent to the Subject, to be so particular, in setting right a Mistake attended with considerable Difficulties, as if the Land of Promise could never maintain so great Numbers as were to live upon it; and because the Mis-

take itself had obtain'd, chiefly it should seem by the Authority of *Hecataeus*, to mislead many, and some very discerning and judicious Writers on this Subject.

You see, according to unquestionable Accounts from actual Measure, and the Degrees of Latitude and Longitude, in which it is situated, the Territory assigned to the *Hebrews* for their Habitation, was not so strait and narrow as generally represented; from which some have inferr'd, so great a Number of People could not have found the bare Necessaries of Life in it, at least that all must have lived in a very low and almost beggarly Condition. Whereas it appears in fact, there was a Provision of Land for each Man in Property, upon every one of the Calculations, sufficient for a plentiful and decent Maintenance with Industry, good Husbandry, and Frugality, which the Constitution itself made fashionable and honourable, tho' by it none could have such Estates as to indulge themselves or encourage others in Idleness or Luxury; for a Provision of above sixteen, or twenty-one or twenty-five Acres of Land in Property to each Person, would enable them with all the Advantages of that Country and Climate, to live as well as Men can do in ours upon an Estate of forty, fifty, or sixty Pounds a Year, of their own.

Thus here was a Provision made for a Militia of six hundred thousand Men for the Defence of the Country, to maintain the

the *Hebrew* Government in Peace and Safety; and here was a Provision for a general National Plenty and National Virtue, the Constitution recommending Industry, Husbandry and Frugality, as prudent and honourable, when every Man's Circumstances naturally represented them so, to every wise Man's Observation. And here was further, a Provision to leave this Property and Liberty with great Security to their Families, and Posterity, free from foreign or domestick Oppression.

To make this Foundation of the *Hebrew* Government solid and lasting, the Wisdom of *Jehovah* their Lawgiver declared, as two essential Laws of the Constitution, that the Territory should be equally divided; so that the whole six hundred thousand should each have a full Property, in an equal Part of it; and that every Man should hold his Estate as a Free-hold in chief, immediately from God himself, as of his Crown, without any other Tenure of Service or Vassalage to any great Men whatsoever, as intermediate Lords; and that this Tenure should be unalienable, or that these Estates thus originally settled should never after be alienated from the Family, but were to descend by an indefeasible Entail in perpetual Succession.

C H A P.

C H A P. IV.

*Distribution of the whole Territory
into equal Parts.*

THE Division of the Land was ordered to be made with great exactness, under the Care and Direction of the High-Priest, the Judge, and one of the Princes of each Tribe. *And the Lord spake unto Moses, saying, these are the Names of the Men which shall divide the Land unto you, Eleazer the Priest, and Joshua the Son of Nun; and ye shall take one Prince of every Tribe to divide the Land by Inheritance.* The Manner of this Division is expressed in another Law. *And ye shall divide the Land by Lot, for an Inheritance among your Families; and to the more, ye shall give the more Inheritance; and to the fewer, ye shall give the less Inheritance: every Man's Inheritance shall be in the Place where his Lot falleth, according to the Tribes of your Fathers, ye shall inherit.*

Numbers
xxxiv. 16,
17, 18.

Numbers
xxxiii. 54.

This Division was accordingly made by *Joshua*, who, after *Gad*, *Reuben*, and the half Tribe of *Manasseh*, had received the Lot of their Inheritance beyond *Jordan*, to the Eastern Boundaries; and when they, who had been sent out on Purpose to describe the Land, had described it by Cities, and were returned

returned with the Description in a Book to *Joshua*, *Joshua* cast Lots for them in *Shiloh*, Josh. xviii. before the Lord; and there *Joshua* divided 10. the Land unto the Children of *Israel*, according to their Divisions, that is, to the Tribes who had not yet received their Division, Eastward of *Jordan*.

You see this Division of the Land by Lot, was to the several Tribes according to their Families; so that in this Division, every Tribe and every Family received their Lot and Share by themselves, distinct from all the other Tribes. Thus each of the Tribes remain'd by the Constitution a distinct Province, in which all the Free-holders were not only *Israelites*, but of the same Tribe, or the Descendants of the same Patriarch of *Reuben*, or of *Judab*, &c. And the several Families were placed together in the same Neighbourhood, receiving their Inheritance in the same Part or Sub-division of the Tribe; or each Tribe may be said to live together in one and the same County, and each Family in one and the same Hundred: so that every Neighbourhood were Relations to each other, and of the same Families, as well as Inhabitants of the same Place. Nor was it permitted for an Estate in one Tribe, to become the Property of any Person belonging to another Tribe, though by the Marriage of an Heiress; for it was provided by an express Law, in the Case of the Daughters and Coheiresses of *Zelophebad*, *Let them marry to whom they* Numbers xxxvi. 6, 7.
like

like best, only to the Family of the Tribe of their Father shall they marry: so shall not the Inheritance of the Children of Israel remove from Tribe to Tribe: for every one of the Children of Israel shall keep himself to the Inheritance of the Tribe of his Fathers.

The Manner in which the Territory was divided by Lot, is very justly described, I think, by an ingenious Author. "It were
 " absurd to think, that this Lot determined
 " of Proportions; for so a mean Man might
 " have come to have been richer than the
 " Prince of his Tribe: but the Proportions
 " allotted unto Tribes being stated, though
 " at first but by guess, and enter'd into the
 " Lot-Book of the Surveyors, (who, saith
 " *Josephus*, were most expert in Geometry)
 " the Princes came first unto the Urns,
 " whereof the one contain'd the Names of
 " the Tribes that were to draw, the other the
 " Names of those Parcels of Land that were
 " to be drawn first unto a whole Tribe:
 " Thus the Name of a Tribe, for Example
 " *Benjamin*, being drawn out of one Urn,
 " unto that Name a Parcel was drawn out
 " of the other Urn, for Example, the Coun-
 " try lying between *Jericho* and *Bethleem*:
 " This being done, and the Prince of the
 " Tribe having chosen in what Place he
 " would take his agreed Proportion, whe-
 " ther of fourteen thousand Acres, or the
 " like:" (For our Author supposes the Heads
 of

of Families and Princes of the Tribes had a greater Proportion of Land assigned to them, on Account of their Quality and Power in the Tribes :) "Then the rest of the Country was subdivided in the Lot-Books, according to the Number of Families in the Tribe of this Prince; and the Parcels subdivided being cast into one Urn, the Names of the Patriarchs into the other, the same Tribe came again by Families. Thus every Patriarch making Choice in what one Part of this Lot he would take his agreed Proportion, whether of four thousand Acres, or the like; the Remainder was again subdivided, according to the Number of Names in his Family: If they were more than the Parcel would furnish, at four Acres a Man;" (which was the Proportion according to the * Estimate of *Hecatæus*, which our Author follows; but should have been on a truer Calculation sixteen or twenty-one, or twenty-five Acres for each Man;) then was that Defect amended by Additions of the next Parcel, and if they were fewer, then the Overplus was cast over unto the next Parcel. Thus the Inheritance of the Children of *Simeon* was taken out of the Portion of the Children of *Judab*; for the Part of the Children of *Judab* was too much for them; therefore the Children of *Simeon* had their Inheritance within the Inheritance of them." This gives an

easy

* Harrington Commonwealth of *Israel*, c. 11. §. 12.

easy Account of the Manner of this Lot, which has been pretended by some Persons who love Objections, to be attended with so many Difficulties, as to appear impracticable. All who have any Notion of the Manner of drawing our late Lotteries, the Numbers out of one Wheel, the Blanks and Prizes out of another, will see this Division by Lot thus explained, to be not only a Thing practicable, but very easy and exact. Every Tribe and every Family being thus settled in their Inheritances, became Local without Remove; each was to continue, and their Posterity after them, on the same Estate, which originally fell to them for their Inheritance.

The Estates of the Hebrews unalienable. In order to preserve as near as possible the same Balance, not only between the Tribes, but between the Heads of Families and the Families of the same Tribes, it was further provided, that every Man's Possession should be unalienable.

Deut. xv. The Wisdom of this Constitution had
to 2, 12. provided for a Release of all Debts and Servitudes every seventh Year, that the *Hebrew* Nation might not moulder away from so great a Number of free Subjects, and be lost to the Publick in the Condition of Slaves. It was moreover provided, by the Law of Jubilee, which was every fiftieth Year, that then all Lands should be restor'd, and the Estate of every Family, being discharged from all Incumbrances, should return to the Family again. For this there was an express Law.

Law. *Ye shall ballow the fiftieth Year, and* Lev. xxv.
proclaim Liberty throughout all the Land,^{10.}
unto all the Inhabitants thereof: It shall be
a Jubilee unto you, and ye shall return every
Man to his Possession, and ye shall return eve-
ry Man unto his Family. It is further en-
 acted, *And the Land shall not be sold for e-*
ver; or, as in the Margin, to be quite cut
off or alienated from the Family; for the
Land is mine, for ye are Strangers and So- 23.
journers with me.

By this *Agrarian Law* of the *Hebrews*, all Estates were to be kept in the same Families, as well as the same Tribes to which they originally belonged at the first Division of the Land by *Joshua*; so that how often soever a Man's Estate had been sold or alienated from one Jubilee to another, or how many Hands soever it had passed through; yet in fifty Years every Estate must return to the Heirs of the Persons who were first possessed of it.

It was at first an excellent Constitution, considering the Design of this Government, to make so equal a Division of the Land among the whole *Hebrew Nation*, according to the Poll; it made Provision for settling and maintaining a numerous and a brave Militia of six hundred thousand Men, which, if their Force was rightly directed and used, would be a sufficient Defence not only against any Attempts of their less powerful Neighbours, to deprive them of their Liberty

erty or Religion ; but considering moreover the natural Security of their Country, into which no Inroads could be made but through very difficult Passes, it was a Force sufficient to defend them against the more powerful Empires of *Egypt*, *Assyria*, or *Babylon*.

The Wisdom of this Constitution is yet further observable, as it provided against all ambitious Designs of private Persons, or Persons in Authority, against the publick Liberty ; for no Person in any of the Tribes, or throughout the whole *Hebrew* Nation, had such Estates and Possessions, or were allow'd by the Constitution to procure them, that could give any Hopes of Success in oppressing their Brethren and Fellow-Subjects. They had no Riches to bribe indigent Persons to assist them, nor could there at any Time be any considerable Number of indigent Persons to be corrupted. They could have no Power to force their Fellow-Subjects into a tame Submission to any of their ambitious Views. The Power in the Hands of so many Freeholders in each Tribe, was so unspeakably superior to any Power in the Hands of one or of a few Men, that it is impossible to conceive how any such ambitious Designs should succeed, if any Persons should have been found so weak as to attempt them.

Besides, this equal and moderate Provision for every Person, wisely cut off the Means of Luxury, with the Temptations to it, from
Example.

Example. It almost necessarily put the whole *Hebrew* Nation upon Industry and Frugality, and yet gave to every one such a Property, with such an easy State of Liberty, that they had sufficient Reason to esteem and value them, and endeavour to preserve and maintain them.

It may not be improper to take notice here, of an Observation of Lord *Bacon*, to shew the political Wisdom of this Part of the *Hebrew* Constitution. He is observing the Wisdom of the Law, which required, " that
 " all Houses of Husbandry, that were used
 " with twenty Acres of Ground, or upwards,
 " should be maintain'd and kept up for ever ;
 " together with a competent Proportion of
 " Land, to be used and occupied with them ;
 " and in no ways to be separated from them." By these means, he observes, " the Houses
 " being kept up, did of Necessity enforce a
 " Dweller, and the Proportion of Land for
 " Occupation being kept up, did of Necessity
 " enforce that Dweller, not to be a Beggar or
 " Cottager, but a Man of some Substance.---
 " This, he proceeds, did wonderfully concern the Might and Manhood of the Kingdom, to have Farms as it were of a Standard sufficient to maintain an able Body out of Penury ; and did in effect amortize
 " a great part of the Lands of the Kingdom
 " unto the Hold and Occupation of the Yeomanry or middle People, of a Condition
 " between Gentlemen and Cottagers, or
 E " Peasants.

“Peasants.—Thus did the King sow Hydra’s
 “Teeth, he concludes, whereupon (accord-
 “ing to the Poet’s Fiction) should rise up
 “armed Men for the Service of the King-
 “dom*.”

How much does this Observation of one of the wisest and most able Politicians recommend the Constitutions of the *Hebrew* Government to us, as they made such Provision not only for a numerous Soldiery, but of such Persons also who were likely to make a good Soldiery; of Men bred up neither in a servile nor indigent Condition, but in a free and sufficiently plentiful Condition; not of Persons who had nothing of their own to lose, but of Persons who had both a valuable Property and Liberty to defend.

When a good Constitution is once well settled, it is a next point of Wisdom to provide, that it may be preserved in After-times. The Agrarian, or Law of Jubilee, was such a wise Provision, to perpetuate this Division of Lands and Estates, and thereby to continue the *Hebrew* Nation, a numerous and a powerful People.

This was of very great Importance to the Design, for which this Government was formed. It was intended to remain a distinct Nation, separate from all other Nations of the Earth for many hundred Years; from the giving of the Law on Mount *Sinai*, and their Possession of the promised Land, till the

* Lord Bacon Hist. Hen. VII. p. 72.

the Coming of *Shiloh*, and the Kingdom of the Messiah : For it was as a separate Nation, they were to preserve the true Religion in the Knowledge and Worship of the one true God, from the Corruption of that prevailing Idolatry, which had almost destroyed both from off the Face of the whole Earth.

The Country of the *Hebrews* had indeed a good natural Defence, being bounded every way, either by Mountains and difficult Passes, or by the Sea : yet a very strong Barrier requires a Militia to defend it, on occasion ; which ought to be sufficient for Number, and in due Readiness, to oppose any Inroads or Invasion of an Enemy.

The Neighbours of the *Hebrew* Nation, the *Egyptians*, *Assyrians*, and *Babylonians*, were very great and powerful Empires. The *Hebrew* Constitution had provided no standing Army for a national Defence, but had rather made it impracticable ; yet the whole Nation being obliged to appear in Arms when legally summoned, the whole Nation was as a standing Army. And if the *Hebrews* had preserved the original Constitution, or the *Mosaical*, they would always have had an Army of near six hundred thousand Men in Readiness, for Defence of their Country at all times. This military Service, by which the *Hebrews* held their Land, is of such Consequence to the right Understanding of the Constitution, that it will deserve a particular Attention.



The Hebrews held their Law states by military Service.

Deut. xx. 5, &c.

The Exceptions, allow'd by the military Laws, of Persons excused from Attendance on the Army, necessarily suppose the Obligations of all other Persons to attend the military Service. The Officers were to speak to the People, saying, *What Man is there that hath built a new House, and hath not dedicated it; let him go and return to his House, lest he die in the Battle, and another Man dedicate it. And what Man is he that hath planted a Vineyard, and hath not yet eaten of it, let him also go and return to his House, lest he die in the Battle, and another Man eat of it. And what Man is there that hath betrothed a Wife, and hath not taken her, let him go and return unto his House, lest he die in Battle, and another Man take her.* This Expression, Let him go and return to his House, plainly shews, that though some Persons were to be dispensed with, as to their Attendance on the Army for the Service of War, yet they were to appear at the general Muster, and to be excused there by the proper Officers; and that they could not excuse themselves or their Absence from the Muster on any Plea, how true soever it was, or however good in Law it might be in itself.

The Dispensations directed to be given by the Law on these Occasions, was to be for one Year only. *When a Man hath taken a new Wife, he shall not go out to War; neither*

Deuteron. xxiv. 5.

neither shall he be charged with any Business, but he shall be free at home one Year. The Officers are indeed further directed to speak unto the People, and to say, *What Man is there that is fearful and faint-hearted, let* ^{Deut. xx. 8.} *him go and return to his House, lest his Brethren's Heart fail as well as his own Heart.* This political Wisdom, to dismiss Cowards before an Engagement, lest the Army should be seized with Fear, no ways excused their actual Attendance in the Camp; and we find that even when they were dismiss'd from the Camp, they were not excused all Service. They were still to assist the Army, by supplying the Camp with Water, Provision and Necessaries, by making or mending Roads, and by such like Services, as a learned * Author observes from *Maimonides*.

What great Stress does *Moses* lay on the important Obligation of uniting the whole military Power of the Nation, for their Settlement? There is as great Reason to lay the same Stress upon it for their Security and Defence afterwards.

When the Tribes of *Reuben* and *Gad* desired their Settlement on the East of *Jordan*, *Moses* said unto them, *Shall your Brethren* ^{Numbers xxxii. 6.} *go to War, and shall ye sit here? Moses* charges it upon them as a most heinous Offence,

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* Qui a castris revertuntur, subministrant aquas, & alimenta fratribus suis, qui sunt in expeditione, ac emendant vias, *Schickard Jus Reg. Heb. c. v. Theo. xvii. p. m. 125.*

fence, if they had any Intention, as they seemed to have, to separate their Proportion, or Quota of Troops, from the other Tribes, and thereby disunite and weaken the Army of *Israel*. If the Tribes were permitted to take care of themselves, and their own private Interests only, without just Regard for the publick Good of the whole Nation, by assisting it with all their Forces united, the very Being of the Government and Nation would be always exposed to great Danger. *Moses* therefore further reasons with the Tribes of *Reuben* and *Gad*, *Behold ye are risen up in your Father's stead*, or imitate those who being sent to discover the Land, so greatly disheartened the *Israelites*, that they were near resolving not to go into the Land which *Jehovah* had given them; but as the Anger of *Jehovah* was kindled against them, so it must be expected it will be kindled against those, who, in imitating them, are an Increase of Evil-doers, to augment yet the fierce Anger of *Jehovah* towards *Israel*.

The Tribes were sensible of so just and reasonable Expostulation. They came to *Moses*, and promised, that they would only settle their Children and their Flocks, but that they themselves would go ready armed before the Children of *Israel*, till (say they) we have brought them to their Place. We will not return to our Houses, until the Children of *Israel* have inhabited every Man

Man his Inheritance. To this Promise *Moses* replies, If ye will do this thing, *If ye* ^{Numbers xxiii. 20.} will go armed before *Jehovah* to War, and ^{21, 22, 23.} will go all of you armed before *Jehovah*, until he hath driven out all his Enemies before him, and the Land be subdued before *Jehovah*; then afterwards ye shall return, and be guiltless before *Jehovah*: but if ye will not do so, behold ye have sinned against the Lord, and be sure your Sin will find you out.

That the Union of the whole Force of any State, is necessary to its Being, Preservation and Establishment, every one is ready to grant; because it is too plain for any to deny. The Wisdom of such Constitutions, as are necessary to keep the Force of a State so united, must be then unquestionable also, and of as great Concern to every Government, as its Preservation in any good State of Peace, Liberty and Prosperity; and this will sufficiently justify any Laws against Desertion; that are necessary to prevent such an Evil, how severe soever the Execution of them may appear in some Instances which yet have been represented as too severe by far for Constitutions of divine Original. If there are any Persons who really think so, if any honest Persons are stumbled at it in the *Hebrew* History and Government, sure they have never considered that Desertion has ever been most reasonably judged a capital Crime, in all Nations and Constitutions in the World,

that Lenity in such Cases would be found great Cruelty in the End ; for it would sacrifice the Safety as well as Liberties of a whole Nation, to the Impunity of a few very great Offenders. Such Offences against a Government are never to be excused or passed over with an easy Punishment, when it so manifestly endangers the Welfare and Being of the whole ; and therefore all such Objections (we shall see more particularly hereafter) are founded only on Ignorance, or wilful Error : They are so far from proving any want of Equity or Wisdom in such Constitutions, that they only prove the Objectors are incapable Judges of either, or unfair Judges of both.

The whole Force of the *Hebrew* Nation seems to have been well kept together, during the Administration of *Moses* and *Joshua*. Then the *Hebrew* Arms prevailed every where ; but when the Tribes began to be settled, they fell to their Husbandry, were so intent on their own private * Affairs, that they greatly neglected many of the Constitutions for the Publick Good. They neglected to possess themselves of the whole Land of Promise ; they left many of the *Canaanites* to remain in it ; and they severally defended themselves, when attack'd by their Neighbour Enemies in separate Parties, as if they had been so many separate distinct Governments, rather than twelve united Provinces in the
one

* Josephus, l. 5, c. 2.

one Kingdom of *Jeboab*, as you see manifestly in the History of their Judges.

Judges ii.

They were warned of these Miscarriages¹. by an Angel. It somewhat affected them for the present; so that *when the Angel of the Lord spake these Words unto all the Children of Israel, the People lift up their Voice, and wept.* Yet it did not reform their After-Conduct; *for they returned and corrupted themselves more than their Fathers; and they¹⁹ ceased not from their own Doings, nor from their stubborn Way.*

Therefore the following History of the Judges was just what might have been expected; the Power of the remaining *Canaanites*, occasional Judges rais'd by Parties to deliver them, as they were oppress'd severally in their Tribes, the small undisciplin'd Armies set on Foot for their Defence, were the natural Effects of their Neglect in keeping up to the Constitutions of their Government. In an History of so great Confusion, we cannot hope to meet with an Administration after the original Plan laid down by *Moses*; nor therefore to learn from Instances in that History, the Form of regulating the *Hebrew* Militia in Times of Peace, or how an Army was rais'd, and ready to march for the publick Defence, when the People, who were to compose such Armies, were settled in their several Possessions. Yet we have manifest Footsteps of a wise Constitution for keeping up a constant Force of
twenty-

twenty-four thousand Men, ready to make an immediate Stand against any sudden Attempt ; and which, as appears from that Constitution, might be reinforced very easily by greater Numbers, as any Occasion should be considerable enough to call for it.

In the Times of *David* we find, that twenty-four thousand Men attended in their Courses every Month. This Number consisted likely of two thousand of each Tribe. *Now the Children of Israel, after their Number, to wit, the chief Fathers and Captains of thousands, and hundreds, and their Officers, that served the King in any Matter of the Courses which came in and went out Month by Month, throughout all the Months in the Year of every Course, were twenty and four thousand.*

1 Chron.
xxvii. 1.

Such a Rotation made the Military Service very easy to the whole Nation, which was so necessary to the Safety of the whole. Twenty-four thousand a Month, out of six hundred thousand subject to military Service, obliged each Person to actual Duty but one Month in two Years, except on extraordinary Occasions ; and yet it afforded a sufficient Guard of Defence against any sudden Invasion, or Attempts to disturb the Peace of the Nation.

It has been further observed, that this Rotation of the Militia was at the same Time a Rotation of the Representative of the

the Hebrew Nation, as well as a standing Guard. "This Assembly," saith an eminent Author*, "had not only a Civil, but a Military Office, or Function." And further Remarks †, "While the whole People being an Army, *Moses* could propose to them in Body, or under their Staves and Standards of their Camps; as he needed not, so he used not any Representative; but when *Joshua* had let the People go, and the Children of Israel went every Man to his Inheritance, to possess the Land, how was it likely to enjoy Peace and secure Safety, without the Wing of some such Guard as this? How was it possible to have the Advice and Consent of the Nation without some such Representative? And what could be more equal, easy and effectual, than to perform this Duty by Turns or Courses?" From such like Considerations our Author concludes, "there is little Doubt, that this Congregation was according to the Constitution of *Moses*."

It is a farther Confirmation of this Observation, that *David* actually used this Assembly in the highest Affairs of State.

This Assembly, when called together by *David*, is styled the Congregation, the known Word to signify an Assembly of the whole Nation, or of its Representative; and it was in this Congregation that they made

* Harrington, Com. Israel. c. iii. §. 1. † Id. ib. §. 2.

made Solomon, the Son of David, King the second Time ; or confirm'd by a Parliamentary Sanction what before was done by David's Nomination, in the Presence only of a few of his principal Officers, on the sudden
 1 Kings i. Attempt of *Adonijab* to seize on the Kingdom for himself. The same Assembly, at the same Time that they anointed him, or appointed by their Resolution *Solomon* to be anointed unto the Lord to be Chief Governor, appointed *Zadok* to be Priest, *Abiathar* having joined *Adonijab* in his Rebellion ; so that this * Assembly confirmed as by Authority of Parliament, or as the Representatives of the People, two of the highest Acts of Government, the Settlement of the Crown, and of the High-Priesthood.

2 Samuel
 xv. 18.

It is moreover very likely, that *David*, who introduced a Body-Guard, or a sort of *Prætorian Bands*, the *Cberetbites* and *Pelathites*, which yet were not above six hundred, would have prefer'd a standing Army, formed to Discipline by himself, and commanded by Officers of his own Nomination, to a Country Militia, some out of every Tribe, and commanded by their own Officers, if this had not been a known and ancient Part of the Constitution, from which it was not convenient to depart.

These Orders of the *Hebrew* Government seem of greater Consequence than they are usually thought to be, by the very little Notice commonly

* Bertram. de Repub. Heb. c. x. p. 130.

commonly taken of them; but which, rightly understood, will serve to explain some other Things not easily to be explained without them, as may further appear in its proper Place.

C H A P. V.

Particular Government of the several Tribes.

WHEN the whole Body of the *Hebrew* Nation was thus settled in *Canaan*, each Person having an equal Share in Land, and an unalienable Property in it; each Tribe was settled the whole of it together, each Tribe was under its own proper and distinct Government, each had its Scepter or Staff of Command, and its Lawgiver, or Administration of Justice, according to Law in its own Hands: so that each Tribe judged its own People, or, in the Words of *Jacob* to *Dan*, *Dan shall judge his People as one of the Tribes of Israel.* From whence it is evident, Deuterón. xlix. 16. says a learned and judicious * Author, “that
 “ every Tribe had its own Prince and Judge,
 “ and that every Prince or Head of a Tribe
 “ judged his own People; consequently e-
 “ very Tribe had a Scepter and a Lawgiver,
 “ as well as the Tribe of *Judah*. This
 “ Power in the Heads of Tribes,” the same
 Author

* Bp. Sherlock Dissertation III. 304.

Exod. iii. 16. Author observes, " took Place immediately
 " on the Death of *Jacob*; for all Applica-

Exod. xix. 7. " tions and Messages are not to the People,
 " but to the Elders of *Israel*. The Com-

" mand of God sent to the House of *Ja-*
 " *cob*, and the Children of *Israel* in *Egypt*,

" was deliver'd by *Moses* to the Elders of the
 " People; the People and their Rulers are

Ex. xxxiv. 31, 32. " distinguished plainly. *Aaron* and all the
 " Rulers of the Congregation returned unto

" him, and *Moses* talked with them; and af-
 " terwards all the Children of *Israel* came

" migh.

" However the Government in the feve-
 " ral Tribes of *Israel* was not monarchical,

" but aristocratical; and that no one Tribe
 " had Superiority over another; is plain, up-

Judg. i. 1. " on the Death of *Joshua*: for then the Peo-
 " ple enquire of God, who should go up

" for them against the *Canaanites*? A Quel-
 " tion which would not have been asked,

" had any one Tribe, or Ruler of one Tribe,
 " had the Right of leading and governing

" the rest."

It is very plain, from the *Hebrew* History,

that the provincial Government of the Tribes
 of *Israel*, was not monarchical. It rather

seems by their History, a kind of mix'd Go-
 vernment, partly aristocratical, and partly po-

pular.

To give us a right Notion of the *Hebrew*
 Government, we should begin with this Form
 of the provincial Government of each Tribe;

for-

forasmuch as every Tribe had its own Scepter and was a distinct Province, tho' one of the united Provinces of *Israel*. This will prepare us to understand afterwards more distinctly their Union in their general Government, or the States-General of the united Tribes of *Israel*.

We have often mention of Persons in Authority in the Tribes, *Princes of the Tribes of their Fathers, Heads of Thousands in Israel, the Princes of Israel; Heads of the Houses of their Fathers, who were the Princes of the Tribes, and were over them that were numbered.* Numbers i. 16. vii. 2.

It was given as a standing Constitution of the Hebrew Government, *Judges and Officers shalt thou make thee in all thy Gates, which the Lord thy God giveth thee, throughout thy Tribes, and they shall judge the People with just Judgment.* Deut. xvi. 18. And Moses in his own Time, by the Advice of Jethro, chose able Men out of all *Israel*, and made them Heads over the People, Rulers of Thousands, Rulers of Hundreds, Rulers of Fifties, and Rulers of Tens; and they judged the People at all Seasons. The hard Causes they brought unto Moses, but every small Matter they judged themselves.

Many have thought, these *Jethronian* * Prefectures, as they are usually called, because they were constituted by the Advice of

* Sigonius de Repub. Heb. l. vi. c. 6.

of *Jethro*, were designed to be a standing Constitution, and continued in Use after the Settlement of the Tribes as a Model of their provincial Government. Others will have this Authority of the Captains “ to last no “ longer than during their Pilgrimage in the “ Wilderness; for when they came into *Canaan*, the Law required Judges and Officers to be ordained in every City*.”

However that be, whether the *Jethromian* Perfecture was a particular Constitution, while all *Israel* were together in one Camp, under the leading of *Moses*, for his own greater Ease, and the more speedy Administration of Justice, which one Person was not able to administer alone to so many People; or whether it was design'd a Plan for provincial Judges and Officers after the Settlement of the People in the Holy Land, it is without Question, that the Law directed Judges and Officers, who with the Heads of Families and Princes of the Tribes, were to govern the Tribes of *Israel*, as Tribes or distinct Provinces.

Govern-
ment of
the Cities.

To begin with the Government of each City, the *Rabbinical* Writers generally mention a Court of Justice in each City, consisting of three Judges, they say, in the lesser Towns, and twenty-three in the greater Cities; but it is justly observed, there is no mention of any particular Number of Judges in Scripture: On the contrary, † *Josephus* mentions

* Patrick on Deut. xviii. 8. † *Josephus* Ant. l. iv. c. 8.

mentions seven Judges in each City, without any Distinction between the greater and the lesser. It is very likely, the particular Number of Judges might be left to Discretion, as no Number was fixed by Law, tho' the Courts themselves were appointed expressly; they might therefore be more or fewer in Number, as the Administration of Justice should require. Thus, in the later Times of the *Hebrew* Government, the Number of three in lesser Towns, and of twenty-three in greater Cities, might become fixed by Custom and Length of Time.

By this general Provision, however, Care was taken for a regular Administration of Justice near at hand; to the great Convenience of every Person, who was neither to go far to seek it, or to wait long for it, or to be at any great Expence to obtain it: since each City and Tribe had the Administration of Justice within themselves.

It was moreover no inconsiderable Advantage, to prevent the tedious Length and extraordinary Expence of Suits, that the Judgments of these Courts were appointed by the Law to be final in most Cases. In Cases of greater Moment and Difficulty, or rather where the Court was doubtful and divided in Opinion, *If there arise a Matter too hard for thee in Judgment, says the Law,* ^{Dent. xvii. 9.} *being Matters of Controversy within thy Gates; then shalt thou arise and get thee up unto the Place which the Lord thy God shall*

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shall choose; and thou shalt come unto the Priests the Levites, and unto the Judge which shall be in those Days, and enquire; and they shall shew thee the Sentence of Judgment.

v. 12.

In some Cases, Provision was made for Appeals to the Priests the Levites, or to the Judge, as some render it here, and as it is express'd by the Law itself presently after. The Priests the Levites are generally understood of the national Council, commonly called the *Sanbedrin*; for there is no mention of the High-priest alone, but the Priests and Levites, which can well be understood of such Priests and Levites only, who had some Authority and Commission to shew the Judgment in the Place which the Lord God had chosen; this naturally seems to represent them not as Priests and Levites in general, but as chosen Members of some general National Council. It was not indeed necessary from any Direction of Law, that the Priests or Levites should be in the National Council at all; yet on account of their Ability and Knowledge in the Laws, they were generally esteemed fittest and best qualified to be chosen into them, as the most proper Persons to attend this Service and to execute it well; and the Judge was by his Office invested with the highest Powers, Civil as well as Military, for to judge *Israel*, was to administer Justice as well as to command Armies.

Hence

Hence it may appear how Justice was administered usually, and Questions of Law decided, *viz.* in the Tribes themselves, by their own respective Judges; yet in some more difficult Cases it was wisely provided, they might have a Review before a Court of Appeal, and Judgment should be shewn and ascertain'd by a National Court of Persons, the most experienced and best learned in the Laws; not much unlike, having special Matters argued before the Judges, and determined by them all.

It was also of great Importance, that all Questions of Controversy, which might arise on any Occasion between the Tribes themselves, should be decided by a National Court; for as the several Tribes had no Authority or Jurisdiction over each other, they could not be decided but by some common Judge. This is well explain'd by *Selden*, as the general Opinion of the *Hebrew* Lawyers,
 " Nor is it to be doubted but each Tribe,
 " as often as any thing concerning them as
 " Tribes was to be argued and decided, was
 " subject to no lower Court, and only to
 " this (the great) Sanhedrin. For what
 " concerned one Tribe was by no means to
 " be determined by the Judges of another,
 F. 2 " out

* Neque opinor dubitandum est, quin tribus quælibet, quoties de rebus tribuariis, qua tribuariis disceptandum, decernendumque sit, non minori alicui, sed huic Synedrion (magno) subesset. Non enim erant omnino, res alterius tribus, ab alterius iudiciis decidende, extra Hierosolyma, ut etiam a magistris est ostensum. *Selden de Synedr. l. iii. c. iv. § 4.*

“ out of *Jerusalem*,” or by the Judges of any Court; but that which for a long Time had been fixed at *Jerusalem*, which was the great Sanhedrin or National Court; concerning the Nature of which we shall have Occasion to say something hereafter, in a more proper Place.

But from what has been remarked already, we may discern the great Wisdom of appointing Judges in the several Tribes to decide almost all Causes and Controversies among themselves, and yet the great Importance of the Law of Appeals in such extraordinary Cases as were allowed to be brought before the superior National Court. And this will moreover shew the necessary Reason why so severe a Punishment is enacted against those who should refuse Obedience to the Decree of the National Court on Appeal. *According to the Sentence of the Law, which they shall teach thee, and according to the Judgment which they shall tell thee, thou shalt do. Thou shalt not decline from the Sentence which they shall shew thee, to the Right-hand, nor to the left; and the Man that will do presumptuously, and will not hearken unto the Priest (that standeth to minister there before the Lord thy God) or unto the Judge, even that Man shall die, and thou shalt put away the Evil from Israel; and all the People shall bear and fear, and do no more presumptuously.*

Deut.
xvii. 11,
22.

Such

Such presumptuous Disobedience was deservedly made capital, which must dissolve the Union of the Tribes by which they were one National Government, make it impossible to reconcile any Differences between them, and put an end to the whole Government itself; so that it could neither use the joint Counsels or the joint Forces of the Nation for the common Good of the whole, but, like a Kingdom divided against itself, it must fall to the Ground.

And as to the particular Government of each City, there are plain Intimations of ^{Elders of} a Senate, or of a Court of Elders, or Aldermen, distinct from the Commonalty or general Courts of the People. When the Inhabitants of *Gilead* were for setting *Jephtha* at their Head, to defend them against the Children of *Ammon*, it is said, *The Elders of Gilead went to fetch Jephtha, and to make him* ^{Judges xl. 6.} *their Captain.* The whole Affair was first treated of and concluded between *Jephtha* and these Elders; but to give full Authority to it, *Jephtha* went with the Elders of *Gilead*, and the People made him Head and Captain over ^{11.} them.

Here, as the Elders are plainly distinguish'd from the People, so it is plain to perceive a very near Resemblance to the known Form of Government by a Senate and Assembly of the People. The Choice of *Jephtha* was a joint Act of the Senate and People of *Gilead*, or this Choice had its full Authority,

by a Resolution of the People on the Proposal of the Senate *.

Judg. viii.
14. Mention is also made of the Elders of *Succoth*, and the Princes thereof, even threescore and seventeen Men; whom *Gideon* punished, for refusing him their Assistance on the Defeat of *Zeba* and *Zalmunna*.

On the Redemption of Inheritances, it seems, it was to be done in open Court, that is, before the People and the Elders. Thus *Boaz* advertises the Kinsman of *Elimelech*, *Buy it before the Inhabitants, and before the Elders of my People*. Upon the Refusal of the nearest Kinsman to redeem the Inheritance, *Boaz* redeems it himself in this Form, *And Boaz said unto the Elders, and unto all the People, Ye are Witness this Day that I have bought all that was Elimelech's.*

This Usage in the Cities was agreeable to the Law itself; for it is enacted, *If a Man is found slain, and it be not known who hath slain him, the Elders and Judges shall come forth, and find out what City is nearest the Place where the Person is found slain; and the Elders of that City shall come and purge themselves of any Knowledge of the Murder, and offer a Sacrifice to put away the Guilt of innocent Blood.*

And in the Cities of Refuge, if any guilty of wilful Murder fled there from Justice,

the
? Jubente populo, ex senatus consulto.

the Elders of his City shall send and fetch him thence, and deliver him into the Hands of Justice. Deut. xix. 12.

What the Number of these Elders was, and what in particular were the Duties of their Office, are Questions not so easy to be answer'd, from the short Account we have of the *Hebrew* History and Government; but in general, there is sufficient to inform us, that the principal Affairs of the Publick passed through their Hands, were directed by their Counsel and Authority, and that they had all the usual Powers of a Senate.

Sigonius supposes, that these Judges and Elders of the Cities, were according to an original Constitution of *Moses* in the Wilderness; and afterwards continued by divine Appointment for the Government of the Tribes, when settled in the Land of *Canaan* *.

Moses took the Chief of the Tribes, wise Men, and known, and made them Heads over them, Captains over Thousands, and Captains over Hundreds, and Captains over Fifties, and Captains over Tens, and Officers among the Tribes. i. 15.

It is very probable, as the whole *Hebrew* Nation held their Estates by military Tenure, and as the Tribes were always to be in Readiness

F 4

ness

* Dico ergo Judices civitatum, cum principibus suis . . . institutos esse in solitudine a Moyse primum ex auctoritate socii sui Jethro, deinde ex Dei præcepto. *Sigonius de Rep. Heb. l. vi. c. 6.*

ness to raise a sufficient Number of Men, in Arms, for Defence of their Country on any Occasion, especially if the whole Nation was to serve by Turns one Month in their Course; that this Militia was always officer'd; that the Colonels, the Captains, and lower Officers, were always in being, as is customary wherever a Militia is well disciplin'd, or like to be of any considerable Service.

It is also very probable in itself, that these Officers should have Civil as well as Military Authority; and be a Council of State in Things relating to the Peace and Welfare of the Publick, as well as a Council of War to direct the military Affairs of the Tribes, and command them as an Army.

This is the more probable, as it will make the Form of Provincial Government exactly answer the Form of the National Government; in which *the Princes of the Tribes of their Fathers, were Heads of Thousands in Israel*. These were the chief Military Officers, *every Man of the Children of Israel was to pitch by his own Standard, with the Ensign of his Father's House*. The Prince of each Tribe was the chief Commander of each Tribe; *so Nahshon the Son of Aminadab was Captain of the Children of Judah, and the whole Tribe of Judah is called his Host*. Now it was these same Persons who were to assist *Moses*, and whom he consulted when he did not summon the whole Congregation. This appears from the
different

Numbers
i. 16.

ii. 2.

iii. 4.

different Signals appointed for summoning these different Assemblies to meet. *When* ^{Numbers x. 3, 4.} *they shall blow with them (with both Trumpets) all the Assembly shall assemble themselves, and if they blow but with one Trumpet, then the Princes which are Heads of the Thousands of Israel shall gather themselves unto thee.*

Now tho' these were military Officers, and summoned by Sound of Trumpet, they were not summoned only as a Council of War. The Question in Law concerning the Succession of Females to Inheritances *was brought* ^{xxxvi. 1.} *before Moses and the Princes, the chief Fathers of the Children of Israel.* The Princes ^{xxxiv. 17.} of every Tribe are likewise joined with *E-leazer* the Priest, and *Joshua* the Judge, in dividing the Land among the Tribes.

This Conjunction then of civil Authority with military Command, is so well known in the *Hebrew* Constitution, that both were united in their Judges, their Kings, and in all their chief Magistrates. It seems then very likely, that the Heads the Captains of Thousands, Hundreds, Fifties and Tens, should be vested with civil as well as military Authority; and that the Officers of lower Command, should be the Elders and Senate of their Cities; that the Officers of higher and more general Command, should be the Princes, Elders and Senate of the Tribe, or Province.

1

This

This View of the *Hebrew* Government in their several Tribes may also give us a very probable Account of the Office and Authorities of Heads of Families, and Princes of Tribes, in whom the chief Direction of the several Tribes as distinct Provinces was lodged by the Constitution in Things civil and military, both for Council and Action.

Heads of
Families,
and Prin-
ces of
Tribes.

“ The Division of the People of *Israel*,”
Mr. *Harrington* observes, “ was first genea-
“ logical, and then local. — The Tribes of
“ *Israel* genealogically reckoned were thir-
Numb. i. “ teen. In the genealogical Distribution of
“ the Tribes there were also observed certain
“ Ranks, Qualities or Degrees, as appears by
“ the Poll made of *Israel*, in the Wil-
“ derness of *Sinai*, and in the Tabernacle of
“ the Congregation by *Moses*. These De-
“ grees were of two Sorts : First, Phylarchs,
“ or Princes of Tribes ; and secondly, Patri-
“ archs, or Princes of Families, all heredita-
“ ry Honours, and appertaining to the First-
“ born of the Tribe respectively *.”

Genesis
xxxvi. 13
&c.

That Families should have their respective Heads, was very agreeable to the Customs of those early Times of the World. The Dukes of *Edom* were so many Heads of Families descending from *Esau*, and the present Manner of the *Arabians*, who have most exactly preserv'd the Customs of their Ancestors, and who distinguish the Chiefs of their Families with Dignity and Authority, will further confirm

* *Harrington* Com. *Israel*. c. ii. §. 1.

firm it. A particular Instance of some one of the Tribes may give a clearer Notion of it. Let the Tribe of *Judab* be the Instance.

Judab was one of the Sons of *Jacob*, and his Posterity made one of the Tribes of *Israel*; of this Tribe *Nahshon*, the Son of *Aminadab*, was Prince. This Tribe was divided into several Families, not single Households, but as Families are used in Heraldry, for a Lineage or Kindred, descending from a common Ancestor, including many particular Households. So that the Sons of *Judab* became the Fathers of so many Families, who were distinguished by their Names: *For the Sons of Judab after their Families were of* ^{Numb. i.} *Sbelah the Family of the Sbelanite, of Pharez the Family of the Pharezite, of Zerab the Family of the Zarbite; and the Sons of Pharez were, of Hesron the Family of the Hesronite, of Hamul the Family of the Hamulite.* It appears these Families and the Households in each, as well as the Persons in each Household, were kept distinct: For on the Conviction of *Achan*, *Joshua* brought *Israel* by their Tribes, and the Tribe of *Judab* ^{Joshua vii.} *was taken; and he brought the Families of Judab, and he took the Family of the Zarbites; and he brought the Family of the Zarbites, Man by Man, and Zabdi was taken; and he brought his Household, Man by Man, and Achan the Son of Carmi, the Son of Zabdi, the Son of Zerab, (or of the Family of the Zarbites) of the Tribe of Judab, was taken.*

If

If you reckon the Tribes to be twelve, exclusive of the Tribe of *Levi*, which was not to be settled as a Tribe, there will be twelve Princes of Tribes, and fifty-eight Heads of Families in the twelve Tribes : In *Reuben* four, in *Simeon* five, in *Gad* seven, in *Judab* five, in *Issachar* four, in *Zabulon* three, in *Manasseh* eight, in *Ephraim* four, in *Benjamin* eight, in *Dan* one, in *Asher* five, and in *Naphtali* four. These fifty-eight Heads of Families, with the twelve Princes, make the Number of seventy, just equal to the Number of Elders chosen in the Senate of *Israel* ; when the Lord said unto *Moses*, gather unto me seventy Men of the Elders of *Israel*, which *Moses* thus reports unto the People, take ye wise Men, and understanding, and known among your Tribes, and I will make them Rulers over you. Whence there appears some Ground for their Conjecture, who suppose the Number of seventy Elders to be taken from the Number of the Princes of the Tribes and Heads of the Families of *Israel*.

These Princes of Tribes and Heads of Families, are supposed to be the Heirs Male of the Patriarch of the Tribe, as of *Judab*, and of the first Progenitors of the several Families*.

Mr.

* Abulensis, & Cornelius a lapide ait hos fuisse primogenitos qui ab ipso capite tribus, five a Patriarcha, V. G. a *Juda*, directe per lineam primogenitorum, descendebant, quemadmodum principes familiarum erant primogeniti cujuscunque familiz. *Menochius de Rep. Heb. p. 42.*

Mr. Harrington calls them all hereditary Honours, and appertaining to the First-born of the Tribe, or of the Family respectively.

It is very probable, that the First-born of the Tribe or of the Family, was usually the Prince of the Tribe or Head of the Family when he was of full Age, and without any Incapacity to discharge the Duty of the Office. Yet the Instance of *Nabshon* Prince of *Judab*, will, I think, shew that if the Prince of the Tribe was not elective, he was not always the First-born of the Tribe; for *Nabshon* was not the Heir Male of *Judab*. *Nabshon*, Prince of the Children of *Judab*, was Chron. ii. the Son of *Aminadab* the Son of *Ram*, who was a younger Son of *Hexron*, the Son of *Pharez*, who also was a younger Son of *Judab*.

Whether the Prince of the Tribe then was hereditary or elective, is not so certain from the *Hebrew* History. It seems most likely, that the First-born were generally if not constantly prefer'd, when Minority or some other Incapacity did not require the Choice of some other Person.

Every Tribe then, had thus a Prince or Chief with four or five more or less Heads of Families, who commanded the Tribe when in Arms, and presided in its Councils when assembled, as a civil or political Body. Their Dignity and Authority seem to be alluded to in the Song of *Deborah*, *Speak ye that ride on white Asses, ye that sit in Judg- Judges*
ment. v. 10.

ment. *Sigonius* has well expressed their Office in general: "The Princes of the Tribes were those who led each Tribe, and had the Administration of their public Affairs. The Office of the Heads of Families, was to assemble the Families of which they were Governors, to propose to them what concerned the common Good, and to be their Captains in War*." "These Princes of the Tribes, says *Menochius*, were the Nobles or Peers of the Hebrew Commonwealth. They were, with the chief Magistrate of the Nation, whether Judge or King, to give Counsel and Advice, and to join in the Administration of Justice†."

Finally, "These Chiefs of the Tribes, says *Calmet*, were Captains in War, Judges and Magistrates in Times of Peace, and Counsellors of the Prince in all Affairs, both ecclesiastical and civil‡."

These

* Principes autem tribuum fuere, qui singulas tribus duxerunt, earumque rationes administrarunt. Officium vero eorum (Patriarcharum) fuit, ut familias quibus præerant convocarent ad eosque referrent, quæ ad rempublicam pertinerent, & duces earum in bello essent. *Sigonius de Rep. Heb.* l. vii. c. 5.

† Porro hi tribuum principes, Reip. Hebraicæ erant Magistratæ, & Capita, & totius populi magistratui, sive judex esset, sive rex, aderant & cum illo sedentes, partim consilia inibant, partim jus reddebant. *Menochius Rep. Heb.* l. i. c. vi. §. 8. p. 42.

‡ Les Chefs des tribus, étoient capitaines dans la guerre, Juges, et Magistrats en tems de paix, & Conseillers du prince dans les choses sacrées, comme dans les civiles. *Calmet Discertat. T. i. P. ii. p. 518.*

These Princes of Tribes and Heads of Families may be represented, as Lords-Lieutenants of a County, and their Deputy Lieutenants; or as Generals, and Lieutenant-Generals; being constant General Officers when the Tribe was to march, as Part of the Army of *Israel*; and in the Tribe they were the principal Magistrates to summon the Tribe to a general Assembly when there was Occasion for it, or when any Affairs relating to the whole Tribe were to be proposed, or any Resolution of Consequence to be taken by the whole Tribe, or when any thing was to be communicated to it from the General States of the United Tribes, which required the Concurrence of the Province.

The Officers in each City may, in like Manner, be considered as the local Officers of the Militia in the several Hundreds and Divisions of the County or Province. This made a Provision of Colonels and Captains, to draw the Forces of the Tribe together, and to lead them wherever they were directed to a general Rendezvous, where the Prince of the Tribe as General, and the Heads of Families as Lieutenant-Generals, should receive them; and at all Times to exercise them to Arms at Home, the better to prepare them for the Service of their Country, whenever they should be called to march in Defence of it.

As civil Authority was generally joined to military Command in this Constitution, so these

these Captains of Thousands, Hundreds, Fifties and Tens, were also Elders of the People. They were as a standing Senate and Council in the Places of their Habitation, so that we conceive the same Persons invested with the Authority of Aldermen and Justices of Peace, at the same Time they were Colonels and Captains of the Militia.

Thus, with the Assemblies of the People, they managed the publick Affairs of each Hundred or Division; at the same Time they were in Readiness not only to appear as a Council of War, with the Prince of the Tribe, the General, and with the Heads of Families, the Lieutenant-Generals as military Officers; but moreover to meet them on all Occasions as a civil Council or Parliament, as a Sort of Representative of the People of the Tribe in its several Divisions, when there was any Occasion to summon them together, to treat on any arduous Affairs concerning the publick Good of the Tribe.

This Constitution of the particular Tribes, appears to me as plain and evident as can be expected in so short a History as we have of the *Hebrew Nation*; especially when the original Constitution was so soon altered, and the Affairs of Government were so confused in the Anarchy soon after the Death of *Joshua*. However, even in those Times there are so many evident Marks of the principal Parts of the Constitution, as must render all the rest

rest highly probable to one who would carefully lay all Things together, in order to find out the Design and Plan of the whole.

C H A P. VI.

Particular Constitution of the Tribe of L E V I.

BESIDES the twelve Tribes settled in their distinct Provinces, and having each their distinct Government as before describ'd, there was one Tribe which had a very different Constitution from all the rest. This Tribe was to have no Share in the Land on the Division of it, nor any Property in it. The Sons of *Levi* were not to live together, or to have the Families of their Tribe united, in a distinct Government of their own, as the other Tribes had. They were to be dispersed through all the Tribes of *Israel*, to have their Subsistence from the other Tribes, and to live under the Government of that Tribe in which they had their Habitation, without any Property, without any sort of Power or Authority, Civil or Military, of their own, as one of the Tribes of *Israel*, or in any other View than as they were deemed Members of that Province or Circle of the *Hebrew* Empire in which they resided : But as they held no Lands, they could be subject to no Military
G Tenure,

Tenure, on account of them, and were by the very Constitution incapable of any military Office or Preferment.

Numbers

i. 2.

47, &c.

xviii. 20,

21, 23.

Upon the general Poll of the Children of *Israel* after their Families, the Levites after the Tribes of their Fathers were not numbered among them: *For the Lord had spoken unto Moses, saying, only thou shalt not number the Tribes of Levi, neither take the Sum of them among the Children of Israel, but thou shalt appoint the Levites over the Tabernacle of Testimony.* The further Meaning of this Constitution is afterwards thus explained: *The Lord spake unto Aaron, thou shalt have no Inheritance in their Land, neither shalt thou have any Part among them. I am thy Part and thine Inheritance, among the Children of Israel, and behold I have given the Children of Levi all the Tenth in Israel for an Inheritance, for their Service which they serve, even the Service of the Tabernacle of the Congregation.----And it shall be a Statute for ever throughout your Generations, that among the Children of Israel they have no Inheritance.*

It is then, without Question, a designed Part of the Constitution of the *Hebrew* Government, that the Levites, though one of the Tribes of *Israel*, should not be settled in the promised Land in the same manner as the other twelve Tribes were. That they should have no Share of Lands assigned to them, for their

their Property, and unalienable Inheritance ; and therefore, as they had no Property in themselves, they were to be provided for some other Way. This was appointed to be by an annual Tithe payable to this Tribe, by all the other Tribes, that they might attend the publick Service of the Tabernacle, and as the Reward of their Service : For, says the Law it-Numbers
self, *It is your Reward for your Service in the* ^{xviii. 31.} *Tabernacle of the Congregation.*

This is a well-known Part of the Constitution of the Tribe of *Levi*, but the peculiar Reasons for this peculiar Constitution require a little more Attention.

The Levites were designed for the Service of the Tabernacle of the Congregation, or to attend the whole Service of *Jehovah*, as God and King of the *Hebrew* Nation, wherever it was he chose or fixed the Place of his Residence, whether he marched with their Armies, or whether the Tabernacle rested in any particular Place.

The Levites were moreover to teach the whole People the Law of God, and to instruct them in it, as *Moses* explains their Office ; *They shall teach Jacob thy Judgments, and Israel thy Law ; they shall put Incense before thee, and whole burnt Sacrifice upon thine Altar.* ^{Deuteron. xxxiii. 10.}

It became the *Dignity* of the King of *Israel* to have a Court, and to be served by his Subjects as their King, as well as to have an Altar and Sacrifices, and to be worshipped

by the Church as their God. When both these Services were appointed to the Levites, it was appointed to them as a Service which the whole *Hebrew* Nation was some way or other to have attended; this Service would have been incumbent on the whole People, if the Tribe of *Levi* had not been substituted in their Room: So that by this Appointment of the Levites, the rest of the Tribes were eased from all Attendance, from all the Expence and Loss of Time, which must have follow'd on such Attendance, if there had been no publick Provision for it. Therefore the Levites are said to be given *for all the first-born of the Children of Israel*. And it follows, *I have given the Levites as a Gift to Aaron, and to his Sons, from among the Children of Israel, to do the Service of the Children of Israel, (or to serve me for the Children of Israel, according to the V. L.) in the Tabernacle of the Congregation*. It should seem the Direction at the *Consecration* of the Levites to their Office, refers to this Reason of their Appointment: *And thou shalt bring the Levites before the Lord, and the Children of Israel shall put their Hands upon the Levites; and Aaron shall offer the Levites before the Lord for an Offering of the Children of Israel, that they may execute (or be to execute) the Service of the Lord*. This Action of the Children of *Israel* is easily understood to mean, that the Levites were to execute the Service of *Jehovah*,

Numbers
viii. 18.

19.

10, 11.

Jehovah, in their stead, and for them, as well as by their Consent.

You plainly see now, this Service of the Levites made it highly improper that they should be settled in the same Manner that the other Tribes were; that all the Sons of *Levi* should be placed locally together in one particular Part of the Land, or that they should constantly attend the Cultivation of their several Farms, or that they should be enlisted into a regular Militia, and train'd to Arms under the Heads of their Families and Princes of their Tribe, as the other Tribes were. This would have taken up all their Time, and have hinder'd all the Services of their Office, whether to attend the Service of the Tabernacle of the Congregation, or in teaching the People the Law. It was highly proper they should be settled in every Tribe, that each Tribe might equally have the Benefit of their Instruction, and Advantage of their Learning in the Laws of *Jehovah*, for the better Administration of Justice; as these Laws were the Laws of their *Civil* Constitution, as well as of their *Religion* and *Worship*.

But then, it was as highly fit, that this Tribe of *Levi* should have in return a reasonable Consideration and Reward, for Services in which they gave up many national Advantages to the other Tribes from themselves, and in order to ease the whole Na-

tion,

tion from those Services which otherwise they must have executed personally.

For the Tribe of *Levi* gave up to the other Tribes their whole Share of the Land, as one of the Tribes of *Israel*; and they gave up themselves to the national Service of the Tabernacle, and to the publick Teaching of the Law, discharging all the other Tribes from any Burden of those Services, and giving them full Leisure to attend solely their own private Affairs, except when the Danger of their Country summoned them to Arms in Defence of it.

These were Considerations that, in all Justice and Equity, required a suitable Provision and Reward. Nor was this Reward to be given the Levites, as many have very weakly conceited, as Ministers of the *God of Israel*, or in the modern Cant, the *Hebrew Clergy*, or even as they were the *Servants of the King of Israel*, of his Court and Household; but moreover as the Levites parted with their *own Inheritance* to the *Publick*; and for their publick Service, partly in teaching the Law to the People, and partly in excusing them from a personal Attendance for the Service of the Tabernacle.

To understand the wise Reasons of this Part of the *Hebrew* Constitution, it will be necessary to consider more distinctly what that *Provision* was, which the Law made for the Levites, and the *Manner* in which the Laws of the *Hebrew* Government made this Provision

Provision for them; as both are so little understood by many, and so greatly misrepresented by some who pretend to understand them better.

The *Provision* which the Laws of the *Hebrew* Government made for the Levites, was a yearly Tithe of the Produce of the Lands, payable by the twelve Tribes; and this was properly the only Provision made for them as a Tribe: For tho' there were some other Payments by the People, as the First-fruits, the Redemption of the First-born, the Half-shekel Poll-tax, and the like; yet these were not to be divided among the Levites, as a Tribe. They were all appropriated to other Uses, and were assigned to answer the Expences and constant Charge of the Tabernacle of the publick and national Sacrifices, and other Parts of the publick Worship of the Church; or for Tables in honour of the Court, House, and Residence of the King of *Israel*.

This Distinction, between the *Tithes* and other *publick Revenues of Church and State*, and their Appropriation to very different Uses, is not so commonly attended to as it ought; which has introduced no small Darkeness and Confusion into this Part of the *Hebrew* Constitution.

The Levites were appointed to wait on the Sons of *Aarón*, the Priests for the Service of the House of the Lord, and the Work of the Service of the House of God.---And to stand every Morning to thank and praise

¹ Chron.
xiii. 28.

30.

the Lord, and likewise at Even. They were divided as the Priests into their several Courses, for their Attendance at the *Palace of the Presence*. It became the Honour of the divine Presence, and the Dignity of the Throne of the Kingdom of *Jekovah* over *Israel*, that some Provision should be made for a decent Entertainment of *such* Persons as should be in actual waiting on his Service; as Princes are used to have Tables at their Courts for their Household and Servants in waiting. There were also many other necessary Expences of the Tabernacle and Temple, in Repairs, Ornaments, Sacrifices and Offerings, ordinary and extraordinary: These were properly Expences, to use a modern Expression, of a *Civil List*, or of a *Church-Rate*, a very different thing from a Provision made for the Sons of *Levi*: For the Levites had no Share in them, otherwise than it may be the Convenience of a Table during the Time of their Course, and in waiting on the Service of the Tabernacle, wherever the Presence was, after they had been at the Trouble and Expence of going up from their own Habitation from all Parts of the Country, and were to be at the same Trouble and Expence in returning to their Habitations again, as soon as the Time of their waiting was over. Of this kind were many Payments, in particular the First-fruits, the Redemption of the First-born, and the Half-shekel Poll.

A

A righter Understanding of this Observation may give an useful Light to many Things of greater Consequence than they may at first appear to be. A Misunderstanding or a Misrepresentation of them has been made an Occasion of severe Reflections without Ground and against Truth on the *Mosaical* Constitution of the *Hebrew* Government, as if it had made a most exorbitant Provision of Riches for the *Levitical* Tribe to an heavy Oppression of all the other Tribes. Let us then a little consider the other Revenues, as distinguished from the Tithes, which only were the proper Portion of the *Levites*.

The Law for the *First-fruits* directs, they ^{First-Fruits.} should be paid at the House of *Jehovah*, or the Place of the Presence. *The first of the* ^{Exodus} *Fruits of thy Land thou shalt bring into the* ^{xxiii. 19.} *House of the Lord thy God.* This Offering of the first Fruits was to be attended with an Acknowledgement of the Mercies of God, in bringing the *Hebrew* Nation out of a State of Affliction, Labour, and Oppression in *Egypt*, into a Land flowing with Milk and Honey. The Person therefore bringing the first Fruits, was directed to say, *A Syrian ready to perish was my Father. --- And* ^{Deut. xxvi} *when we cried to the Lord God of our Fathers, the Lord heard our Voice, and looked on our Affliction, and our Labour and our Oppression, --- and brought us into this Place, and bath given us this Land. --- And now be-*
bold

bold I have brought the first Fruits of the Land which thou, O Lord, hast given me.

The first Fruits then, seem to be paid as a kind of *Quit-Rent*, in Acknowledgement of *Jehovah* as Lord of the *Fee*, that the *whole Hebrew Nation* held of him as his *Tenants*, and that the *Tenure* of all their *Estates*, was of his *Gift* and *Donation*.

It is moreover to be observed of this Branch of Revenue, that the Law itself appointed no determined *Quantity*; so that the *Quantity* was left by the Law to the Discretion of each *Person* who offered. It should seem the *Quantity* supposed in the Law, was not large, from a particular Constitution concerning it.

Deut.

xxvi, 2, 4,

*And thou shalt take of the first of all the Fruits of the Earth, which thou shalt bring of thy Land that the Lord thy God giveth thee, and shalt put it in a Basket, and shalt go unto the Place which the Lord thy God shall choose to place his Name there. — And the Priest shall take the Basket out of thine Hand, and set it down before the Altar of the Lord thy God. A Basket which a Man could carry in his Hand, was not like to hold very much: So that the Talmudical Doctors in this, as in many other Things, went beyond the original Law, when they afterwards settled the Quantity of the first Fruits to one in sixty.**

Authors

* *Lex divina non definit, quæ quantitas primitivorum adduci debuerit, sed ex decreto sapientum unum de 60, dari debet. Reland Antiq. Heb. p. 401, 403.*

Authors are not agreed what the Difference was between the first Fruits, which the *Hebrews* distinguish by the Names of *Biccurim* and *Therumoth*, or indeed whether there was any Difference at all; it is not material, I think, whether there was or no, so we may let that pass. But it may not be improper to observe, that though the *Traditionary* Writers allow the first Fruits to be eaten by the Priests, who were clean any where in the Holy Land, yet the *Scriptures*, as a learned * Man observes, do not allow keeping any of the first Fruits at Home. The first Fruits were reckoned of an intermediate † Holiness between the Parts of the Sacrifices, which were to be eaten in the holy Place, and the Tithes which were to be eaten any where in the Land. The Law directed, and it no where appears by an After-Constitution, that Direction was altered, that the first Fruits were to be brought to the House of the Lord: It was ^{Numb. xviii. 9.} not necessary indeed they should be eaten in the Holy Place, as the Parts of the Sacrifices were, which were therefore called the *most holy things*; for the first Fruits might be eaten by the Priests in their Houses, and ^{13.} every one that was clean in their Houses might eat of them with them. Yet still it seems plain, the first Fruits were only to be eaten in the Place of the Presence, or where the House of *Jehovah* was; for there the first Fruits

* Godwin's Moses and Aaron, l. vi. c. ii. §. 8.

† Reland Ant. Heb. l. viii. §. 10.

Fruits were to be brought and presented to the Lord. They are therefore very properly to be considered, as the Provision of a Table for the Entertainment of such only as were in actual waiting at the Palace of the King of *Israel*: A very inconsiderable Accession to the Riches of the Priests that in the Time of their waiting, in the Rotation of their twenty-four Courses, there was the Provision of a Table for them, who came and were to return so many Miles whenever their Attendance was in course.

There were some other *Taxes* payable in Money, as the Redemption of the First-born, and the Half-shekel Poll; but neither of these was Part of the *Levites* Portion. As they have been greatly misrepresented, both in their Value and their Use, it will be proper briefly to place them in their true Light.

- First-born.* The Law directed that the First-born, whether of Men, or Beasts, should be offered to the Lord; but it was provided by the same Law, that the First-born of Men and the Firstlings of unclean Beasts should be *redeemed*, that is, by paying a Sum of Money for them.
16. The Redemption of the First-born of Men was settled at five Shekels, and the Firstlings of an unclean Beast at a Lamb; but the First-born of Cows, Sheep and Goats, which were Beasts of Sacrifice, were to be sacrificed, and their Flesh was to be eaten, as the Law directed eating the Parts of the other Sacrifices, which were
- Exod. xiii.
13.
Numbers
xviii. 17.

were given to the Priests to be eaten in the Holy Place.

When we observe of these First-born of Men, and First-lings of Beasts, that Part was to be redeemed for Money, and a Part to be offered in Sacrifice, and used as other Sacrifices were ; it is very easy to perceive that neither the one or other Sort could be any Part of the *Levites* Portion : for what were sacrificed, could be used no other Ways than as a Table for those who were in actual waiting at *Jehovah's* Palace ; in like Manner, as the first Fruits above-mentioned were to be used, especially as all Sacrifices were to be eaten only in the Holy Place. So that for all these they could be no richer, than saving a Dinner when on Duty in their Courses.

As to the First-born of Men and First-lings of Beasts, converted into Money by Redemption, the Tribe of *Levi* had no Share in them at all ; that was a Treasure appropriated to the ordinary and contingent Expences of the Tabernacle or Temple, that is, for the Building, Ornaments, Sacrifices, and other publick Expences ; for all which the Tribe of *Levi* was never the richer. The want of keeping in View this manifest Distinction between the *Treasure* of the Tabernacle and the *Portion* of the Tribe of *Levi*, has misled some learned Men into considerable Errors, as well as it has given Occasion to others, who seem fond of every Thing that offers to reflect on the Provision made for the Priests and Levites in the *Mosaical* Constitution. This

Of the Civil Government

This distinct Use of the Treasure of the Tabernacle from the Tithes, which were given for the proper Maintenance of the Priests and Levites, is evident from many Considerations. It appears from the very Nature of the thing, that there must have been some considerable Provision for the Use of the Tabernacle. Whoever will consider, what the first erecting of the Tabernacle or Temple must have cost, what was necessary to be expended on Repairs and keeping up the Beauty and Splendor of the Palace of *Jehovah*, what was constantly the Charge of the publick and national Worship and Sacrifices, must see, that all these Branches of Expence required an handsome Revenue or Civil List to discharge them. And whosoever shall further consider how necessary it was to the political Government, as well as to the Religion of the *Hebrew* Nation, to preserve a Reverence and Respect for the Presence of *Jehovah*, as their God and King, (for this was the fundamental Constitution of their Government, as well as Religion) will see how necessary it also was, that the Palace of *Jehovah* as King, and the Presence of *Jehovah* as God, should be equal in Dignity and Magnificence to the Palaces of neighbour Kings, and the Temples of neighbour Idol Gods.

That this Branch of Revenue was actually appropriated to these Uses of the Tabernacle, was long since observed by a very learned
 Author,

Author, in whose Words I shall choose to express it :

“ There were two Sorts of Treasurers to
 “ the sacred Revenues, some were Treasurers
 “ of the first Fruits and Tithes, others of o-
 “ ther Things sacred to God, and consecrat-
 “ ed to him, as Vows, and the Redemption of
 “ them, seem to be, the First-born also, and
 “ Shekels of the Sanctuary ; and finally all
 “ Things, which being turned into Money,
 “ were offered in the Temple. From this
 “ last Treasury was taken what was necessa-
 “ ry for the daily Sacrifices on the Sabbaths
 “ and New Moons, and more solemn Feasts,
 “ on the Spices, Ointments, Flour, Offerings
 “ of Wine and Oil, Frankincense and Shew-
 “ bread. --- The Portions of the Priests and
 “ Levites were paid them from the Treasury
 “ of the first Sort.*”

That Branch of Revenue, which arose from *Half-*
 the Half-shekel Poll-tax, will deserve a par- *Shekel.*
 ticular Consideration, for other Reasons be-
 sides that most extraordinary Account a late
 Author

* Quod vero ad quæstores rerum sacrarum attinet, duo fuerunt genera, quidam enim erant primitiarum & decimarum. Alii aliarum rerum Deo sacrarum, aut etiam consecratarum, ejusmodi videntur, fuisse vota, eorumque redemptiones, & primogenitorum, sicuti sanctuarii, denique omnia illa quæ in pecuniam redacta templo offerebantur. Ex thesauro posterioris generis depromebantur, quæ erant necessaria ad sacrificium jüge, sacrificia sabbatorum, neomeniarum, & festorum solemnium, aromata, unguenta, similes libamida vini & olei, thus & panes propositionis. Ex thesauro prioris generis dabantur Sacerdotibus, & Levitis suæ portiones. *Bertram de Rep. Jud. l. xv. p. 271.*

Ex. xxx.
11, &c.

Author has given the World of it. The Law itself, by which this Tax was raised, thus enacts ; *And the Lord spake unto Moses, saying, when thou takest the Sum of the Children of Israel after their Number, then shall they give every Man a Ransom for his Soul unto the Lord, when thou numberest them ; that there be no Plague amongst them, when thou numberest them. This they shall give every one that passeth among them that are numbered, half a Shekel, after the Shekel of the Sanctuary, (a Shekel is twenty Gerahs) an Half-Shekel shall be the Offering of the Lord. Every one that passeth among them that are numbered, from twenty Years old and upwards, shall give an Offering unto the Lord. The Rich shall not give more, and the Poor shall not give less than half a Shekel, when they give an Offering to the Lord, to make an Atonement for your Souls. And thou shalt take the Atonement-money of the Children of Israel, and shall appoint it for the Service of the Tabernacle of the Congregation, that it may be a Memorial unto the Children of Israel before the Lord, to make an Atonement for your Souls.*

It is plain on the first View of this Law, that whatever Sum of Money this Poll-tax might amount to, it was no Part of the Portion of the Priests and Levites ; for it is expressly appropriated to the Service of the Tabernacle of the Congregation, in particular
towards

towards the Building, or Ornaments of it, as Bishop *Patrick* has justly observed on the twelfth Verse. This manifestly appears in the After-application of it; for this Money which amounted to *an hundred Talents and a thousand seven hundred and threescore and fifteen Shekels*, was all laid out in the Orna-^{Exodus xxxviii.}ments of the Sanctuary, and Vail, and Pillars of the Tabernacle.^{25, &c.}

It further deserves Observation, that the Law makes the Payment of this Half-shekel only an *occasional Tax* for that time and occasion, on erecting the Tabernacle; there is no mention, not the least intimation in the Law, that it was to be raised annually, and to continue an annual Charge on the People.

The learned *Ainsworth** has therefore expressly observed: "Some do think that this Commandment was but for the present Building of the Sanctuary, and not to be a yearly Tribute." And this Opinion, how strange soever it may seem at first, since the Constitutions of the *Talmudists* have continued it so long as an annual Payment, as to wear out the memory of the ancient Usage, is yet greatly countenanced by these two Considerations. For

First, The Law itself does certainly not make it an *annual* Payment; now Laws that are made for raising Money, are never used to be so loose as to direct only one Pay-
H ment,

* *Ainsworth* on Verse 16.

ment, and on a particular occasion, and this an extraordinary one too, if they designed such Money should be raised annually and continue to be raised every Year, when the extraordinary occasion for which it was given should cease. Whatever Reasons then the *Talmudists* might have to persuade the *Hebrew* Nation afterwards to raise this Poll-Tax annually, they could have no reason to lay any Obligation on the *Hebrews* from the original Law, which gives not the least Direction or Intimation concerning it. Besides,

Secondly, There is no *Instance*, or any Precedent in the whole *Hebrew* History, of any such Payment annually, or any Intimation that it was a stated Revenue of the Tabernacle or sacred Treasure, according to the Constitutions of *Moses*, and original Laws of the *Hebrew* Government.

Afterwards, it is well known, the Payment of an Half-shekel became an annual Poll-Tax. There is a particular Title in the *Talmudical* Constitutions called *Schekalim**, which very particularly directs how it is to be paid.

By these Constitutions of the *Talmudists*, all Persons, Priests and Levites as well as *Israelites*, were equally to pay this Tax; for the Constitutions declare none excepted, but Women, Servants, and Children. They further make the Uses of this Money altogether *publick*, and allow not any the least part of it for the Priests or Levites. Let the learned

* *Schekalim*, l. 1. §. 3, 4.

learned *Selden* give a just account of it, according to the Constitutions of the *Talmudists*.

“ From this sacred Treasury were supplied, not only the daily, monthly, yearly and sabbatical Sacrifices, but also the Priests and High-Priests Vestments, and other things belonging to the Worship; moreover, the Pensions of the Censors or Curators of the Cities, of those who taught the Priests the Rites of Sacrificing, and the like; of those who corrected the Books which were written at *Jerusalem*; of those who were employ’d in the Administration of Justice, and of other Servants and Works of the Commonwealth. Finally, the Expences of repairing Walls, Castles, Water-courses, and such things, were payed out of it, and this always according to a Rate settled by the great Council, or Sanhedrim*.”

The Poll-tax then, which a late † Author would represent as a most extraordinary Revenue for the Priests, and as an enormous Oppression

H 2

pression

* Ex ærario hoc sacro, non solum sacrificia illa, quotidiana, mensura, annua, sabbatica, suppeditabantur, atque vestes sacerdotales, pontificique, alia item ad cultum spectantia; verum etiam Cenforum, sive Curatorum Urbis; eorum qui sacerdotes ritus immolandi, atque id genus alios docerent, libros Hierosolymis descriptos corrigerent, Judicia exercerent, aliorum etiam ejusmodi Rēipublicæ ministrorum, operarumque stipendia, ac mercedes in muros, arces, aquæductus, id genus cætera reficienda, aliosque non dissimiles sumptus, solvebantur, idque juxta Synedrîi magni semper taxationem. *Selden de Synedr. l. iii. c. x. §. 3. Vol. II. 1684.*

† Moral Philos. Vol. II. 137, &c.

pression of the *Hebrew Nation*, through the *Knavery* of *Moses*, will really shew such an instance of enormous *Ignorance*, or something worse in our Author, as is not to be excused in any Man who shall pretend to write on the Subject: For, let the amount of this Tax be what it will, the Priests and Levites were to pay it in common and equally with the whole Nation, and the Uses of it were appropriated solely to the publick Charge of the Nation; nor had the Priests or Levites the Disposal of any part of it in their own Hands, all was to be ordered by the great Council of the Nation or Sanhedrim.

After all, what was the real Value of this Revenue, which is represented as so enormous? Our Author has given a very extraordinary Account of it. He reckons it the Sum of half a Shekel, payable three times every Year; he reckons the Value of a Shekel at ten Shillings, and supposing it was paid by a million and six hundred thousand Persons, according to the Poll in the Days of *Joab*, he concludes, it was equal to two millions and four hundred thousand Shekels, or to one million and two hundred thousand Pounds Sterling a Year; a considerable Sum indeed!

But, in the first place, our Author can know nothing at all, whether any Sum was ever paid, according to *Joab's* Poll, of one million and six hundred thousand Persons, or, whether there was any such Tax in being for
some

some hundreds of Years, both before and after the Days of *Joab* or *David*. There is no mention of it in any part of the History, there is no Law that requires it, nor is there any full Precedent of it any where to be found, till after the Destruction of the first Temple, with which *Moses* and the *original* Constitution of the *Hebrew* Government have nothing at all to do.

Besides, what was it struck our Author's Imagination to fancy this Tax was to be paid three times every Year? This is a Blunder, for which there is not the least shadow of Reason, nor do I believe it ever enter'd into any Man's Head, but our Author's. All Authors without exception, that I have ever met with, make it a yearly Payment, not three times a Year. All agree with the learned *Selden**, " This sacred Tribute was annual." And the Testimony of *Josephus*, alledged by him, puts it out of question, that *Vespasian* " ordered the Half-shekel to be " paid every Year to the *Capitol*, as it was " before used to be paid to the Temple of " *Jerusalem*." And yet this enormous Blunder makes our Author's Computation, even in his own way of reckoning, three times as much as it should be, and reduces his Sum of one million and two hundred thousand Pounds to four hundred thousand Pounds a Year.

H 3

But

* *Selden* ib. p. 1682.



Exodus
xxxviii.
23, 26.

But to set aside all these chimerical Calculations, let us see what it did really produce; we have a real Poll and the Sum it produced to a Shekel in the *Mosaical* History. The Poll was taken on six hundred three thousand five hundred and fifty Men, and the Sum at half a Shekel a Head, was one hundred Talents, one thousand seven hundred threescore and fifteen Shekels. This is so exact, that when we know the Value of a Shekel and Talent, we know to a Shilling the Sum in *English* Money.

Whatever Difference there may be, as to the exact Value of a Shekel, and so of a Talent, no one before our Author was ever so whimsically extravagant as to reckon the Shekel at ten Shillings.

A very usual Estimation of the Shekel is at somewhat less than half an Ounce *Troy*; a little more than two Shillings and three-pence *English* Money: Then the Sum will be thirty-four thousand four hundred and eleven Pounds near.

But if we take the Valuation of the Shekel from the very accurate Accounts of Bishop *Hooper*, and the Agreement between the *Hebrew*, the *Phœnician*, and the *Attick* Weight of *Solon*, taken from the *Tyrian*, the Shekel will be the same Weight with the Standard Tetradrachm of *Athens*.

As this most judicious Author has observed several Valuations of the Drachma, one at the Weight of 68,4. Grains, which he supposes

supposes to hold from *Solon* to *Alexander*; another at 65,5 Grains, from thence to the Subjection of *Greece* to the *Romans*; and another of 62,57 Grains, equal to the *Denarii* under the first *Roman* Emperors; let us compute this hundred Talents, one thousand seven hundred threescore and fifteen Shekels at the highest rate of 68,4 Grains to the Drachma, which will make the Tetradrachm or Shekel somewhat more than our half Ounce *Troy*; then the Sum will be forty four thousand four hundred and thirty-six Pounds near*.

What sort of moral Computation must our Author have used, to swell his Account to one million and two hundred thousand Pounds; for he seems to understand common Numbers well enough to have seen the Truth.

But our Author would have it, that the Value of a Shekel, is not to be taken from its Weight in Silver, which yet sure is the intrinsic Value of all Coins; but from the Proportion of Money to other things. He produces an Instance to shew, that a Shekel ought to be computed at ten or twelve Shillings, for the Law directs a Man's Estimation at fifty Shekels. But whoever considers this very Instance, will see, it can no ways agree with his Value of a Shekel. The Law there sets the Estimation of a Vow. These settled Estimations in the Law seem to be de-

Leviticus
xxvi. 2.

H 4

sign'd

* Hooper's Enquiry, 335, 337.

Numbers
xviii. 16.
Exod. xiii.
13.

sign'd as a *Modus* not only to prevent all Disputes, but to fix the Valuation at an easy rate. Thus the Redemption of the first-born is fixed at five Shekels, and the first-ling of an Ass at a Lamb or Kid; which, considering the general Use and Value of Asses to ride upon and for Beasts of Burthen, (for they had then no Horses) was a very moderate Estimation. And as Vows were voluntary Acts, a low Valuation to encourage them seems much more likely to be design'd in the Law, than setting a very high Valuation, which would probably discourage them, if not altogether prevent the making of any.

Now if these fifty Shekels are to be computed at ten Shillings each, the Redemption-Money will come to twenty-five Pounds, a full Price for a Servant, an excessive Price for the Redemption of a Vow; whereas fifty Shekels, according to Bishop *Hooper's* Valuation used above, will make the Redemption above seven Pounds seven Shillings, which is a sufficient Estimation for such a Redemption: So that our Author's Calculation of this supposed annual Tax, at one million and two hundred thousand Pounds a Year, is an over-reckoning of one million one hundred and fifty thousand Pounds *per Annum*.

And if after all, this Tax was not annual, as I am fully persuaded is the Truth of the Case, and that it was not paid above once or twice occasionally, from the time of erecting the Tabernacle to the Destruction of the first Temple,

Temple, that is, for above nine hundred Years; our Author will have overcharg'd the Payments of the *Hebrews* above a thousand million of Pounds Sterling; more than as much again as the Purchase of all the Lands in *England*, in Fee, would amount to at twenty-five Years Purchase.

It is the more necessary to be thus particular, in shewing what was not the Portion of the Sons of *Levi*, by the *Mosaical* Constitution, because without a just Observation of this Distinction we can neither rightly understand the true State of the Tribe of *Levi*, or the true Nature and Use of the publick Revenues of the *Hebrew* Government; for these were all the Revenues, for the Civil Government, Laws and Religion of the whole Nation; and considering all these Uses of them, it will appear one of the most moderate, ancient or modern History can furnish us with.

But let us now see, what the *proper Provision* for the Tribe of *Levi* was. Their ^{*Proper Provision of the Levites.*} proper Provision, as a Tribe, consisted in two Articles: In forty-eight Cities, with their Territory for their Habitation; and in the Tithe of all the Produce of Fruit and Cattle. Both these are pretty well understood in general, but the political Wisdom of this Institution is not so well understood as it deserves to be, because it arises from some Observations which are commonly overlook'd.

All

Numbers
xviii. 20.

All the Sons of *Levi*, including both Priests and Levites, were to have no Property in any of the Lands of *Canaan*, except only in forty-eight Cities for their Habitation. This is an exprefs and standing Law : *And Jehovah spake unto Aaron, thou shalt have no Inheritance in their Land, neither shalt thou have any Part among them. I am thy Part, and thine Inheritance among the Children of Israel.*

Levitical
Cities.

But when the Levites were to have no Inheritance, as one of the Tribes of *Israel*, it was necessary they should have *Houses* to live in; and it was convenient and wise, these Habitations should be so disposed as to enable them to perform the proper Duties of their Office in the best Manner; therefore the Law assign'd to them forty-eight Cities, some in each of the Tribes in which they were to dwell, and so by the Residence of some of the Levites in every one of the Tribes, they might most conveniently perform the Services to which they were appointed. Thus therefore the Law enacts:

Numbers
xxxv. 2.

Command the Children of Israel that they give unto the Levites of the Inheritance of their Possession, Cities to dwell in; and ye shall give also unto the Levites, Suburbs for the Cities round about them. And ye shall measure from without the City on the East two thousand Cubits, and on the South-side two thousand Cubits, and on the West-side two thousand Cubits, and on the

the North-side two thousand Cubits, and the City shall be in the midst; this shall be to them the Suburbs of the Cities. . . . So all the Cities ^{Numbers} *which ye shall give to the Levites shall be forty* ^{xxxv. 5.} *and eight Cities, them shall ye give with their Suburbs; and the Cities which ye shall give,* ^{7, 8.} *shall be of the Possession of the Children of Israel; from them that have many, ye shall give many; but from them that have few, ye shall give few; every one shall give of his Cities unto the Levites, according to his Inheritance which he inheriteth.*

When this Law was put in Execution, we find the Levitical Cities were thus allotted:

Out of the Tribes of Judah, Simeon and Benjamin,	-	-	-	-	Josh. xxi.
Ephraim, Dan, Half-Tribe of Manasseh,	10				13 4, 5, 6, 7.
Other Half-Tribe of Manasseh, Issachar,					
Asher, and Naphtali,	-	-	-	-	13
Zebulun, Reuben, and Gad,	-	-	-	-	12
					<hr/> 48

Each of these Cities containing four thousand Cubits Square for their Suburbs or Territory, had about eight hundred and ten Acres assign'd to each of them, according to the lesser Cubit, and about eleven hundred and one according to the Measure of the greater Cubit; the Sum of which for the forty-eight Cities, will amount to about fifty-two thousand eight hundred and forty-eight Acres. This you will observe is a very material Circumstance.

It

It shews what a small Proportion these Cities of the Levites bore to the rest of the promised Land; and it opens another great Mistake of a modern Author *, who remarks, that the Lands of the Levites would seem to amount to a seventh Part of the whole Country, tho' he is pleased to let them pass for a tenth.

In a foregoing Computation of the Contents of the promis'd Land, it appear'd, that at a larger Computation it contained nineteen millions and two hundred thousand Acres; at a mean Computation, fourteen millions nine hundred and twenty six thousand; and at the lowest Computation, eleven millions two hundred and sixty-four thousand. This would allow a large Remainder for publick Uses, near twenty-three times as much as all the Levitical Cities amounted to: for when ten millions of Acres had been shared among the Tribes, the Remainder is one million and two hundred thousand Acres and better; whereas all the Levitical Cities did not amount to fifty-three thousand. You will then perceive at the very lowest Computation of the Contents of the Land of *Canaan*, that the Lands of the Levitical Cities are so far from the Proportion of one seventh or one tenth, that they have not near the full Proportion of one in two hundred. But you will say, the *Israelites* were not in full Possession of the promised

* Moral Philos. Vol. II. 137.

promised Land according to the original Grant, the *Canaanites* remain'd many of them still in the Land. Be it so; was this the Fault of *Moses* and the Constitution, or was it the Fault of the *Israelites* and a Breach of the Constitution, that the *Canaanites* were suffered to remain in the Land with them? However, what Proportion of the Land will you suppose the *Israelites* did possess? Will you allow it to be an half? Even on such Supposition, the Lands assigned to the Levitical Cities, will not amount to one in a hundred; a Proportion somewhat less than a seventh or a tenth.

This is a true Computation of the Proportion of the Levitical Cities to the whole Land of *Israel*, if the four thousand Cubits include the Areas of the Cities which are directed to be built in the midst; and this is the Opinion of many learned Men. *Menochius* * has given a Plan of the Levitical Cities, with their Ground about them, in which he measures the two thousand Cubits each Way from the Centre of the whole Ground; and so from the middle of the City, which he supposes to measure a thousand Cubits within and a thousand Cubits without the Walls, each Way from the Centre. But not to depend on the Opinions of learned Men, let us see what the Law itself directs. It is said at the fourth Verse, *And Numbers the Suburbs of the Cities which ye shall give*^{xxxv. 4.5.}
to

* *Menochius de Rep. Hebr. l. ii. c. iii. § viii. p. 109.*

to the Levites, shall reach from the Wall of the City, and outward a thousand Cubits round about. Now in measuring from the Wall of the City outward, the Law appoints one thousand Cubits only, not two thousand; which *Grotius* seems well to express *, “It was but one thousand Cubits to the City.” The next Verse indeed directs, *you shall measure from without the City on the East-side two thousand Cubits; and so each Way.* At first View it is plain, that these two Directions cannot be meant of the same Measure, from and to the very same Place, or from the Walls of the City to the End of the Ground without the Walls; it must be meant of different Measures, and therefore of different Places. In the first Case, measure from the Walls outward to the End of the Suburbs, and it will be a thousand Cubits: In the other Case, measure from without the City, or from the End of the Suburbs inward, and so into the City, and to the Centre of the whole Ground, and it will be two thousand Cubits each Way.

This gives a just and easy Sense to these Directions, and the Difference is no more than measuring outward from the Walls in one Case, and from the Parts without the City into the City itself in the other Case: so that one Measure gives the Contents of the Suburbs alone, the other the Contents of the Suburbs and Cities together.

Yet

* *Spatium mille Cubitorum accessio Urbium.*

Yet as it is thought by some, that the Areas of the Cities are not included in the four thousand Cubits square, let an Addition be made for the Areas of the Cities : What shall it be, a thousand, fifteen hundred, or two thousand Cubits square ? Be it two thousand, then the whole being a Square of six thousand Cubits, or thirty-six millions of square Cubits, will be somewhat more than as much again as the former Computation, or as thirty-six to sixteen. Let then, if you will, an Allowance be made to the Levitical Cities of an hundred and ten thousand Acres, instead of near fifty-three thousand in the former Calculation, this will not amount to a tenth of the Remainder of one million two hundred thousand Acres, after the Division of ten millions, and is not one in a hundred to eleven millions two hundred and sixty-four thousand, the very lowest Contents of the whole Land.

The Tenth however, it may be said, was a *Tithes* very unequal Portion for the Levites. Our Author's Computation of this Revenue, is as curious and exact as his former Calculations have appeared to be.

“ This, he says, was a Tenth of all the
 “ original natural Produce of the Soil, in
 “ Corn, Oil, Wine, and Fruit ; and as this
 “ Tenth was free from Labour and Expence,
 “ it must have been at least three Tenths of
 “ the annual Rent of the Land. After this
 “ had been taken away, the Priesthood had a
 “ Tenth

“ Tenth of all the Beasts and the first-born of
 “ all Beasts ; this must have much exceeded a
 “ Tenth, but I shall reckon them both at two
 “ Tenths, or one Fifth; now since the Stock
 “ upon an Estate must, upon an Average, a-
 “ mount to at least two annual Rents, one
 “ Fifth will be two Fifths or four Tenths of
 “ the annual Rent, which with the other three
 “ make seven Tenths*.” The following Ar-
 ticles of the Levitical Cities, and the Half-
 shekel Poll-tax, which, with our Author, make
 three Tenths more, to shew the Revenue of
 the Priesthood amounted to the full annual
 Rent of the whole Land, have been so fully
 considered before, that I shall beg Leave to
 cast them out of this Reckoning, especially
 as in our present Question concerning the
 Tithes, it is most certain they could not be
 any Part of them.

But are not seven Tenths of the annual
 Rent a most burdensome Tax? Does it not
 amount to fourteen Shillings in the Pound?
 True; but what if our Author's Computa-
 tions of seven Tenths prove, on Examination,
 like his foregoing Calculations? Examine
 them, and see.

The Priesthood had, he says, a Tenth of
 the natural Produce of the Soil in Corn,
 Oil, Wine, and Fruit. This was then a Tenth
 of the natural Produce. . . . Of what Soil,
 I beseech you? Not sure of Pasture, Mea-
 dow, Wood-lands, or Timber; not then of
 the

* Moral Philos. Vol. II. 137.

the whole Land, as our Author would have you understand it.

The Reasons for which be to himself; but till our Author can ascertain how much of the Land of *Canaan* produced Corn, Wine, Oil, and Fruits, he must certainly conclude without Premisses, when he makes it amount to any determined Proportion of the whole Land, or even to ascertain any Sum for the Produce of the arable Lands or Fruit-Grounds themselves.

It is probable the arable Lands and Fruit-Grounds, were not a third part of the whole Country, and then our Author's Computation, instead of three Tenths of the annual Rent of the whole, will be but one third of a Tenth of the whole Produce; that is, it will be no more of the whole Produce than three Pounds six Shillings and eight-pence *per Cent*.

As to the Tithes of Cattle, you will observe that the First-born, as has been shewn before, belongs to another Account; whatever that Revenue was, it belonged to the *Treasury* of the Temple, and was no Part of the proper Revenue of the Levites.

“ But the Priesthood, says our Author,
 “ had a Tenth of all the Beasts; this must
 “ have exceeded a Tenth, but I shall reckon
 “ them at two Tenths, or one Fifth. And
 “ since the Stock upon an Estate must,
 “ upon an Average, amount to at least two
 “ annual Rents; one Fifth will be two
 “ Fifths,

I

Here we must ask our Author, what annual Rent does he mean? Sure he should mean no other Rent than of the Pasture-Grounds; for what sort of Cattle are Corn-fields, Olive-trees, or Vines used to produce? Here too our Author concludes without Premises, till he can ascertain what was the Proportion of Pasture-Ground to the rest of the Land of *Canaan*. It might be, for any thing he knows to the contrary, but one Tenth, or but half a Tenth of the whole Produce; tho' he puts it down at four Tenths, with his usual Assurance.

Lev. xxvii.
32.

“ paid, and that to the Levites. At the Tith-
 “ ing they used to shut the Lambs, for Ex-
 “ ample, in a Sheep-coat, where the Straitness
 “ of the Door might permit but one at once
 “ to come out; then opening the Door, ei-
 “ ther gently to hunt them out, or placing
 “ the Ewes bleating near them without, so
 “ to cause them to run out one by one, a
 “ Servant standing at the Door, with a Rod
 “ coloured with Oker, solemnly told to the
 “ Tenth, which Tenth with his Rod he
 “ marked: So they understand going under
 “ the Rod*.”

For all our Author's Dexterity in Calcula-
 tion, to make the Tithes of the *Hebrews*
 amount to a full annual Rent of the whole
 Land, you evidently see it does not amount
 to one Tenth of the annual Produce; which
 according to his own Estimate of the Produce,
 equal to three annual Rents, will not be a
 full Quarter of the whole: for it is moreover
 to be observed, that the whole Land was
 not Tithable, no Woodlands, no Timber,
 or *Sylva cædua*, paid any Tithe at all; even
 the whole Cattle, the most considerable Part
 of the *Hebrew* Husbandry, paid only a Tithe
 of the Young. So that when the tenth
 Lamb, Calf, &c. were paid for Tithe, the
 Remainder paid nothing more, either in
 Wool or for Herbage, how many Years so-
 ever they were kept for any Use. So that the
 whole Country of the *Hebrews* did by no

I 2

means

* Selden of Tithes, c.ii. §.5. V. III. p. 4085.

means pay a Tenth of the Produce. The greater Part of the Land in Quantity, and likely the larger Produce in Quality, all the Woodlands and Grasing-grounds, either paid nothing at all, or so small a Matter that it could not amount to near one Tenth.

But is there not mention of a second, and even of a third Tithe? As there is a little Obscurity in what the *Hebrew* Authors have written concerning this Tithe, which seems to have misled some into mistaken Notions, as if this was a Part of the Levitical or National Revenue, and to have given Occasion to others to misrepresent the *Hebrew* Constitution as unreasonably partial to the Levites; let it be examined somewhat more particularly.

Deut. xiv. There is a Direction in the Law, *Thou*
 23, 24. *shalt eat before the Lord thy God in the Place which he shall choose to place his Name there, the Tithe of thy Corn, of thy Wine, and of thine Oil, and the Firstlings of thy Herds and of thy Flocks, that thou mayest learn to fear the Lord thy God always.* It is further directed, that if the Place be too far, *then shalt*
 25. *thou turn it into Money, and bind up the Money in thine Hand, and shalt go to the Place which the Lord thy God shall choose.* To what Uses this Money was appropriated, the Law further declares; *And thou shalt bestow*
 25. *that Money for whatsoever thy Soul lusteth after, for Oxen, or for Sheep, or for Wine, or for strong*

strong Drink, or whatsoever thy Soul desireth; and thou shalt eat there before the Lord thy God, and thou shalt rejoice, thou and thy Household. The plain Meaning of this Law is no other than an Injunction on the Hebrew Nation, to use one Part of their Income in Hospitality, to rejoice in the Goodness of God when they came before his Presence, to acknowledge they owed all their Blessings to his Protection and Favour, and to glad the Hearts of the Poor, the Fatherless and the Widow, with a chearful Entertainment, imitating the Goodness of God to themselves by such Acts of Kindness to others; but this was left intirely to the Owner, and his Goodwill, on what to spend it, and whom to entertain. He is expressly allowed to lay it out *for whatsoever his Soul lusteth after, or desireth.* This is therefore not unfitly called by the Hebrew Writers, The Tithe of Feasts, and the Poor Man's Tithe. 29.

But what was the third Tithe? The following Direction of the Law may explain it. *At the End of three Years thou shalt bring forth all the Tithe of thine Increase the same Year, and thou shalt lay it up within thy Gates; and the Levite (because he hath no Part nor Inheritance with thee,) and the Stranger, and the Fatherless, and the Widow, which are within thy Gates, shall come and eat and be satisfied, that the Lord thy God may bless thee in all the Work of thine Hand which thou doest.* 28, 29.

This is a Direction how the Tithe of Feasts, or of the Poor, should be used the *third Year*. It was not to be spent every Year at the Place of the Presence, or where the *Shechinah* resided; but the third Year it was to be spent at home in their own City. So that what is called the *third Tithe*, is what the Law speaks of as the Tithe of the *third Year*, which was to be spent every third Year in their own Cities.

Let us see how the learned *Selden* represents this Matter: " This first Tenth paid, "
 " (*viz.* the Levites Tenth) the remaining "
 " nine were accounted profane, or for com- "
 " mon Use; yet not to be spent by the "
 " Possessor, until he had taken out of "
 " these nine another Tithe, which he was "
 " the first two Years to carry to *Jerusalem*, "
 " ----and spend it there at the Temple in "
 " Feasts,---and every third Year the same he "
 " was to spend upon the Poor and Levites, "
 " within his own Gates.---This other Tithe "
 " they call their second Tithe, or Tithe of "
 " Feasts.----Some make a third, as *Tobit*; "
 " --but he means only the Tithe of the third "
 " Year; that is, the Tithe which every third "
 " Year after the first Tithe paid was to be "
 " laid up by the Husbandman in his own "
 " Gates, for the Levites within his Gates, "
 " the Stranger, the Fatherless, and the Wi- "
 " dow, which *Josephus* also names a third "
 " Tithe to be bestowed every third Year, and "
 " this the *Rabbins* call the Poor Man's "
 " Tithe;

“ Tithe; and it is also intituled a third, but
 “ falls better under the second of our Divi-
 “ sion, *and need not to be made a third: Nor*
 “ *is it *.*”

These second and third Tithes then seem to be one and the same, only to be used at different Times in a different Manner for two Years at the Place of the Presence, and the third Year at home; but it is evident they were no Property of the Levites, no National Tax, or assigned for any publick Uses. The Law appropriates them to Hospitality, according as the Owner himself shall choose, to rejoice their Household, the Stranger, the Fatherless, and the Widow, among whom they were not to forsake the Levites; many of whom, especially their Fatherless and Widows, might stand in need of their Neighbours Hospitality, as much, perhaps more, than the other Inhabitants of their Cities.

There is one thing relating to the Levitical Revenues, which a late Author has passed over in deep Silence; with Art enough for his Purpose, but hardly with that Regard for Truth one might have expected from a Moral Philosopher. The Tithe is represented as very great, and the more valuable, as the Levites had so large a Portion of the Produce of the Land assigned them without any Labour or Expence of their own; but why were not the Reasons and Considerations of this Assignment taken into the Account?

I 4

To

* Selden of Tithes, c. ii. §. 2, 3. V. III. p. 1083.

To put a true Estimate on this Provision for the Levites, a Love of Truth and Justice, which I take to be Moral Virtues, require we should observe, whether any Consideration was given for this Assignment, and what that Consideration was? It was not a burdensome Tax on the other Tribes, only for their Support as a National Clergy; for the Levites gave up their own Property and Privileges as a Tribe to the Nation, and took upon themselves the National Services of the Sanctuary and of the Law, as a Consideration for it.

The Tribe of *Levi* was one of the Tribes of *Israel*, as much as *Judah* or *Ephraim*. It had as just a Claim to a Proportion of the promised Land for an Inheritance as any of the other Tribes; the Tribe of *Levi* then had a *previous* natural Right to a Share in the Land in full Property, and to an independent Government, as a Tribe under its own Prince, and Heads of Families, as any of the other Tribes had, according to the *Hebrew* Constitution.

Yet, as the peculiar Service of the Levites made it inconvenient their Time should be taken up with Husbandry and Arms, or that they should live together as one Tribe, which would have been inconsistent with their Study of the Law, and the National Advantages design'd by their Knowledge of it; it was appointed by the Constitution, that they should give up their Share of the Land to the
the

the Publick ; and for the better Service of the Publick, that they should part with their own Government and Security as a Tribe, by inhabiting together in one Province, and be separated throughout all the Tribes of *Israel*, under the Government, and subject to the Power of that Tribe where they had their Habitation.

Now so much of the Tithes, as the *Levites* thus purchased for a valuable Consideration, ought to be accounted their own proper Estate, as much as an Annuity paid by a Government for a Sum of Money advanced by the Annuitants for the Service of the Publick. Let us just observe what this may reasonably amount to.

The *Levites* were a thirteenth Tribe ; to make the Computation less exceptionable, let their Proportion of Land be estimated at a fifteenth. Then in every hundred Pounds a Year Produce, the *Levites* Property would have been six Pounds thirteen Shillings near. Now the Tenth of one hundred Pounds a Year amounting to ten Pounds, the *Levites* really received no more above their own Property, as one of the Tribes of *Israel*, than three Pounds seven Shillings, or not three and a half *per Cent*.

But there are other Considerations of considerable Consequence, as I apprehend, in this Computation.

I

The

The *Levites* in this Exchange of a real Estate for an Annuity, gave up Possession, and yielded away all the Advantages of personal Property, and independent Government. They trusted solely to the national Faith, for the secure Payment of their Annuity ; they divested themselves of all Power of Re-entry upon Non-payment, and ran the hazard of the Insolvency of any Tribe, or any Part of the Country, either by ill Husbandry or accidental Damages, by reason of Contentions at Home, or Invasions from Abroad ; so that no Misfortune could befall either the *Hebrew* Nation, or any one of the Tribes, but the *Levites* Annuity must feel it, and suffer a Deficiency by it.

Further it may be observed, how little to the purpose the Moral Philosopher has distinguished between an annual *Rent* and an annual *Produce*. For the Property given by the *Levites* to the Publick, and actually distributed among the other Tribes, gave up the *annual Produce*, not an *annual Rent* only ; and had the *Levites* kept their Property in their own Possession, they would have received not one Rent only, but the whole three Rents. It is true, then they must have kept their Farms in their own Hands, and have been employ'd in Husbandry with the rest of their Neighbours, which now others were to do for them ; but what then ? Was it an unequal Convention, that the Nation should do
for

for the *Levites* their Work of Husbandry, when the *Levites* were to do for the whole Nation all the Services of the Sanctuary, and every where to assist the Administration of Justice, by their Study and Knowledge of the Law? It was highly necessary some Persons should be appointed to these Services, when the *Levites* were appointed to them, and freed all others of the Nation from them. It was most equitable, that the Nation should free the *Levites* in their Turn from the Care of Husbandry, that they might be able to do the national Services for which they were appointed.

Before we take Leave of this Part of the *Hebrew* Constitution, let us view it in one Light which is not very common, though it seems obvious and plain enough.

The Rank of the Priests and *Levites*, as *Care to* Ministers of Religion, as the Men of best *prevent* Understanding and Knowledge in the Laws, *too much* as of great Interest in the Nation, and Influence in the Administration of Justice, might *Power in* have proved too great a *the Le-* *vites.* Balance of Power in one Tribe, if they had retain'd with these Advantages a considerable Property in Land, and an united independant Government in themselves, as one of the Tribes of *Israel*, according to the Model of the other Tribes or Provinces.

I cannot but look upon it as a wise Intention, and an original Design in the Constitution,

stitution, appointed with great political Skill to cut off all possible Abuse of such Power and Influence, as their Character might give them. By these Means they were deprived of all Power to hurt the Liberty of the other Tribes, or any ways endanger the Constitution by any ambitious Views or Projects : for not only all the Estates of the *Levites*, but their Persons too, were given into the Hands of the other Tribes, as so many Hostages, and as a Security for their good Behaviour. They were so separated from one another, that they could no Way mutually assist each other in any ambitious Design. They were so dispersed among the other Tribes, that it was absolutely in their Power, upon any national Quarrel, or even on a Suspicion of any ill Designs of the *Levites*, to put a Stop to their whole Livelihood, and seize on all their Persons at once. You may hence perceive, that whatever Power or Influence the Constitution gave the *Levites* to do good, the same Constitution carefully provided to put it out of their Power to do ill, either to disturb the Peace or endanger the Liberties of their Country.

C H A P.

C H A P. VII.

*Union of the Tribes, or general
Government of the HEBREW
Nation.*

THE Polity of the *Hebrew* Government we have seen settled, each of the Tribes of *Israel* in their Lots or Portions of the Holy Land, as so many distinct Provinces; each Province having its particular Government or Scepter, and ordering its own Affairs by its own Princes, Heads of Families, Elders and Courts. The Tribe of *Levi* had a particular Constitution, different from all the rest, as it was designed for different Services of the Sanctuary and the Law; but the Wisdom of this Constitution did not only provide for the good Government of each Tribe within itself, it took care also to provide for the common Welfare of the whole Nation, as it was to be one Kingdom of *Yehovah*, to unite their Counsels, their whole Strength and Power, for the common Defence and Prosperity of the whole.

But wherein this Union of the Tribes into one Body did consist, is not commonly so well understood as one would wish, who is desirous to see the true Plan of this Government,

ment, and disposed to perceive the Wisdom of this Constitution.

Though the History of the *Hebrews* is short, and they very soon departed in many things from the original Constitution, after the Administration of *Moses* and *Joshua*; yet there is so plain Evidence of the Congregation of *Israel*, of a great Council or Senate of Elders, of a Judge or a Stadt-holder, of the Voice of *Jehovah*, his Word, or Oracle, in the general Administration, and in Affairs that concerned the whole Nation; that every one must observe, these made a considerable Part of the *Hebrew* Government, and that the Union of the Tribes into one Government was intended to be placed in them; in these were their Councils to be united, by them their joint Forces were to be directed. Thus they became one united Body for the Preservation of their common Liberty, Peace and Religion, against all Opposition, how much soever each of the Tribes was made independent of the other particular Tribes, and sovereign in its own Tribe, in the Administration of Justice within itself.

If we suppose the Congregation of *Israel*, the great Council, the Judge or Stadtholder, and the Voice of the Oracle, all concurred in the Administration of the general Government, it will easily appear that the general Union of the Tribes as one Body may be conceived after this Manner; that the
Congre-

Congregation of *Israel*, or the whole People, enacted; that the great *Council* advised, consulted, and proposed; that the *Judge* or *Stadtholder* presided in their Councils, and had the chief Hand in executing what was resolved in them; and that the *Oracle* was to assent to and approve what was resolved, and authorize the Execution of it in Matters of the greatest Importance to the whole State: so that the general Union of the whole Nation may not improperly be thus expressed: It was by the Command of the People, and Advice of the Senate, the Judge presiding, and the Oracle approving*.

Let us a little examine these Particulars, and see whether there is not sufficient Reason thus to consider the Constitution of the States-General of the united Tribes of *Israel*.

But before we proceed to Particulars, it may serve much to prevent Mistakes in this Inquiry, to make one previous Observation, that there were no proper *legislative* Powers lodged any where in this Constitution; for these States-General, whether considered each of them separately, or all of them with mutual and joint Consent, had no Authority vested in them either to repeal Laws in being, or to make new Laws. The Laws of this Nation were the Laws of *Jehovah*;

* Jubente Populo ex Senatus Consulto, præsidente Consule, approbante Oraculo.

Dent. iv.
1, 2.

Jehovah; these were so sacred as to be unalterable in a much higher Sense, than the Laws of the *Medes* and *Persians*. *Jehovah* was the only *Lawgiver*, and there is an express Law which enacts: *Now therefore, O Israel, hearken unto the Statutes and unto the Judgments which I teach you, for to do them, that ye may live and go on, and possess the Land, which the Lord God of your Fathers giveth you. Ye shall not add unto the Word which I command you, neither shall ye diminish ought from it, that ye may keep the Commandments of the Lord your God, which I command you.*

xii. 32.

The same Command is repeated, *What thing soever I command you, observe to do it, thou shalt not add thereto or diminish from it.*

From hence a learned Author justly concludes, “ That the Right of *Sovereignty*, “ which consists in making Laws, was not “ given to any by the *Hebrew Constitution**.” It was a Right *Jehovah* reserv’d to himself, who only gave his Law to *Israel*; and another eminent Author has very truly observed of the Tribes of *Israel*, “ That the Power of Legislature could not “ in a proper Sense belong to them; for “ tho’

* Hoc igitur argumento maximo est, juris illius Majestatis, quod in legibus ferendis est positum, nihil quicquam penes hominem fuisse. *Conringius de Republ. Heb.* §. 10. p. m. 246.

“ tho’ they might, and did make such Rules
 “ as we commonly call *By-Laws*, yet the
 “ Law of *Moses* was their unalterable Law,
 “ both for civil and ecclesiastical Affairs *.”
 Wherever then the Union of the Tribes was
 placed, we must not expect to find any proper
 legislative Authority or Power ; for the
 Laws both in Affairs civil and ecclesiastical,
 being at the first given by God himself,
 were by his Authority made sacred and un-
 alterable.

Yet still, there were many things in the due
 Observation and Execution of these Laws re-
 lating to the common Interests of the whole
 People, concerning which the Laws had made
 no particular Provision, or given particular
 Directions. In such Cases it was necessary
 the *Hebrew* Nation should have a national
 Authority, both in taking Advice, and in ex-
 ecuting what should be resolved upon, as
 the common Concern of the whole People.
 Thus the united Counsels and Force of the
 Nation were under the Direction of the Con-
 gregation of *Israel*, the Senate of Elders or
 great Council, the Judge, and the Oracle.

Let us examine the proper Parts of each,
 a little more distinctly.

* Bp. Sherlock, Dissert. III. 317.

C H A P. VIII.

Congregation of all Israel.

Joshua
xxii. 16.

Numbers
xxvii. 20,
21.

Numb. x.
3, 4.

BESIDES the Assembly or Congregation of the *Hebrew* People in each particular City, and in each Tribe, which have been considered before in the provincial Government of the Tribes; there is also Mention of all the Congregation of the Children of *Israel*, and all the Children of *Israel*, even all the Congregation, and *the whole Congregation of the Lord**. This Assembly or Congregation of the whole People is distinguished from the Princes and Elders. *Moses* is directed to make two Silver Trumpets, *and if they blow with them, all the Assembly shall assemble themselves at the Door of the Tabernacle of the Congregation; and if they blow with one Trumpet only, then the Princes which are Heads of the Thousands of Israel, shall gather themselves together.* When *Moses* came down from Mount Sinai, with the two Tables in his Hand, first *Aaron* and *all the Rulers of the Congregation* came to him, and *Moses* talked with them, and afterwards *all the Children*

* There were two such Assemblies of the People in the *Lacedæmonian* Government, the one of those who were Inhabitants of the City, called *Μικρά Εκκλησία*, the lesser Assembly; the other of all the Inhabitants of the Country of *Laconia*, called simply the Assembly, or *Εκκλησία*. *Craig. de Repub. Lacedæm. l. i. c. vii. p. 43.*

dren of Israel came nigh, and he gave them in Command all that the Lord had spoken unto him on Mount Sinai. Then Moses gathered all the Congregation of the Children of Israel together, and said unto them, These are the Words which the Lord hath commanded that ye should do them. When Moses was directed to propose God's Covenant to the People, and declare to them his Promise of peculiar Protection, Favour, and Blessing, and to take their Homage and Promise of Obedience to him as God and King, it was proposed to them in this Form : Now therefore if ye will obey my Voice indeed, and keep my Covenant, then ye shall be a peculiar Treasure unto me above all People. Moses summons the People to consent to this Covenant, and promise their Allegiance; And Moses came and called the Elders of the People, and laid before their Faces all these Words, which the Lord commanded him, and all the People answered together and said, all that the Lord hath spoken we will do.

Joshua, after the Settlement of Israel, and when he was grown old, called for all Israel, or summoned a full Hebrew Parliament; that is, he called for their Elders, for their Heads, and for their Judges, and for their Officers; and Joshua gathered all the Tribes of Israel to Shechem, and called for the Elders of Israel, and for their Heads, and for their Judges, and for their Officers,

Joshua

xxiii. 1, 2.

and they presented themselves before God; and Joshua said unto all the People, Thus saith the Lord God of Israel.

Who were
the Mem-
bers of this
Congrega-
tion.

When this Assembly is called all the Congregation of Israel, all Israel, the whole Congregation of the Lord, so full Expressions should seem to mean, that every one who was a free Israelite had a Right to enter into this Congregation, as soon as arrived at lawful Age; at least that the six hundred thousand who entered into the Covenant, and were made unalienable Freeholders, and held their Estates of *Jehovah* in chief by military Service, were Members of it according to the Constitution. Yet when the Congregation of all Israel is said to be called, it seems to be no more in some Cases than summoning the Elders, Heads, Judges and Officers, as when Joshua called for all Israel, and when he gathered all the Tribes of Israel to *Shechem*. He called for the Elders of Israel, and for their Heads, and for their Judges, and for their Officers; and these seem to be no more than these Elders, Heads, Judges and Officers assembled on this Summons, tho' it was a Summons of all the Tribes of Israel. When Moses assembled all the Congregation, tho' he laid before the Elders of the People the Word which the Lord commanded him, it was however all the People answered together, and said, All that the Lord hath spoken we will do.

Josh. xxiii.
24.

Ex. xix.

I

It

It is very likely the manner of holding this Congregation or Assembly of all *Israel* was *different*. While the whole Nation was together in one Body in an Army, as for a long time, under the Command of *Moses*, the Assembly of the general Congregation seems evidently to differ from what it was afterwards, when the Tribes were settled in the several Lots of their Inheritance. Every free *Israelite* seems to have had a Right to vote in this Assembly, if he could be present where it was summon'd to meet with Convenience. But when the greater Part of the Nation could not leave their private Affairs and Habitations, then the Tribes seem to appear by a *Representative*, by their Elders, Heads, Judges and Officers, or by a certain Number of their provincial Magistrates, who may not unfitly be called *Deputies* to the States-General, from the particular Provinces. These being assembled as a Representative of all *Israel*, may be considered as the *Parliament* of the *Hebrew* Nation ; and these two different Manners of assembling, are indeed no other than a greater or less Number, as either should be more convenient.

The Substance of this Observation was taken Notice of long since by an ingenious Author : “ That while the whole People was
“ an Army, *Moses* could propose to them in
“ Body, or under their Staves, or Standards
“ of their Camps ; then he needed not, and
“ so he used not any Representative. But

K 3

“ when

“ when *Joshua* had let the People go, and
 “ the Children of *Israel* went every Man to
 “ his Inheritance to possess the Land, the
 “ Rotation of twenty-four thousand Men
 “ under their proper Officers afforded a Re-
 “ presentative of the People or Commons,
 “ as well as a standing Guard, for the Safe-
 “ ty of the whole Nation*.”

Thus all the Children of *Israel* may be considered as constituting this Congregation, or *Hebrew* House of Commons, but in somewhat different Manners, as was usual in the most celebrated Politics. In some Cases, all appear'd *personally*; in other Cases, they appear'd by a *Representative*. This might well be in common and ordinary Cases, by the common and ordinary Rotation of the Monthly Guard; but on more extraordinary Occasions, by a more solemn and larger Deputation from the twelve Tribes.

This easy and obvious Distinction of the Manner of holding the *Hebrew* Parliaments, on different Occasions, and in different Circumstances, may, I think, remove all Difficulties that arise either from the different *Summons*, whereby they were called, or the different *Persons* who met in them when assembled.

But however it was that this Congregation of all *Israel* was assembled, and whoever they were who met in it, which so short an History is not like to acquaint us fully with,

* Harrington Commonwealth of Israel. c. iii. §. 2.

with, nor is it very material to know; thus much is plain, and evident, and sufficient to our Purpose, that it was an Assembly of the People or of the Commons of all *Israel*, either in Person or by Representative; and that the *Hebrew* People or Commons had their Share in the Government, so far as this Congregation or Assembly was concerned, which you will soon perceive was very greatly.

We have already premised, that no proper legislative Powers were intrusted any where in this Constitution. It may be further observed, that the national *Revenues* of this State were so settled in the Tithes and other Offerings, and there being no Soldiery in Pay, all holding their Estates by military Service, there was no Reason for new or occasional Taxes: so that the *Hebrew* Parliament could have no Business, either to make new Laws, or to raise Money. What then did they meet for at all, you will say? What Business have Parliaments, but to make Laws or to raise Money? There were other Things, you will observe, of great Importance to the Peace and Welfare of the *Hebrew* Government, in which it was very proper to act by and with the *Consent* of the whole People, and by *Authority* of the same. War and Peace with neighbour Nations, Differences between Tribes which might greatly disunite and weaken the whole Body, receiving and establishing principal Officers and Magistrates,

were Things of such Importance, as required mutual Consent, and the joint Authority of the whole Nation. It should seem then that the People of *Israel*, in this Assembly or national Parliament, had all the Powers which were usually vested in the People, in the most celebrated Governments of *Greece* or *Rome*. Their Assent gave Sanction and full Authority to what was proposed to them. The *Roman* Definition of a Law will shew what this Assent of the *Roman* People was in their Government; a Law is what the People of *Rome* confirm'd on * Proposal by a *Senatorial* Magistrate, as a *Consul*; and in this among the *Romans* a Law (*Lex*) differed from a *Vote*, or Order of the People or Commons, called *Plebiscitum*; which was † what the People resolv'd when assembled by a Magistrate of their own, as a *Tribune*; and thus also it differed from a *Vote* or Resolution of the Senate, which was ‡ such Order as the Senate made of its own Authority. This shews, that among the *Romans* nothing had the Authority of a Law, but what was proposed to the People, and assented to by them. It was the Consent of the People which gave it the binding Authority of a Law.

This

* Lex est, quod Populus Romanus, Senatorio Magistratu interrogante (veluti Consule) constituebat. *Inst. L. 1. Tit. 2.*

† Plebiscitum est, quod Plebs Plebeio Magistratu, veluti Tribuno, constituebat. *Id.*

‡ Senatus consultum est, quod Senatus jubet atque constituit. *Id.*

This Constitution of the *Roman* Government may not improperly shew what Part the *Hebrew* People or Congregation of *Israel* had in their Government, which Mr. *Harrington* thus describes, “ In Laws to be made, what-
“ ever was proposed by the *Sanhedrim*, and
“ resolved in the Affirmative, in the Congre-
“ gation of the Lord, was an Act of Parlia-
“ ment of *Israel* *.”

A few particular Instances how the publick Affairs of greatest Moment were transacted in this Assembly, may make this Part of the *Hebrew* Constitution better understood.

The Congregation of *Israel* was summoned by *Moses* to receive the Law; to recognize and acknowledge *Jehovah* their God, their King, and their Lawgiver, which *Moses* was directed to do in this Form: *Thus shalt thou* Exodus
say to the House of Jacob, and tell the Chil- xix. 1.
dren of Israel, Ye have seen what I did to the Egyptians, and how I bore you on Eagles Wings, and brought you unto myself: Now therefore if you will obey my Voice indeed, and keep my Covenant, then ye shall be a peculiar Treasure unto me above all People: 3. . . . 9,
For all the Earth is mine, and ye shall be unto me a Kingdom of Priests, and an holy Nation. These are the Words which thou shalt speak unto the Children of Israel; and Moses came and called for the Elders of the People,

* *Harrington's Commonw. of Israel.* p. 52. c. ii. §. 16.

People, and laid before their Faces all these Words which the Lord commanded him. And all the People answered together, and said, all that the Lord hath spoken, we will do: And Moses returned the Words of the People unto the Lord. I mention this Passage at large, because it is a very particular Account of the Form in which Affairs were *proposed* to the People, and *resolved* by them; and you will observe, that legal Forms explain the true Powers and Authority of any Part of a Constitution, much better than general Arguments, which are commonly founded on Conjectures rather than on Facts.

A Proposal of any thing by the Senate to the People of *Rome*, was called *Rogation*, or Asking; because it was usually in some such Form of Words as this: "Is it your Will *," "O *Romans*, and do you resolve it?" Or if a War was to be proposed to the People, their Consent was asked in this Form: "Is it your Pleasure, O *Romans*, and do † you resolve that War shall be proclaim'd?" Sometimes the Form was thus; "Concerning these Things, I ask you, O *Romans*, what is ‡ your Will, and what you resolve to have done?" On such Proposal from the Senate to the People, the Answer is sometimes only, "We will, and resolve it." Sometimes

* Velitis, jubeatis, Quiritis. *Brissonus de Formulis*, c. ii.

p. 129.

† Velitis, jubeatis, Quirites, bellum indicí. *Id. ib.*

‡ De his rebus, quid fieri velitis, jubeatis, rogo Quirites. *Id. ib.*

times more particular, " We will, and resolve
 " what the Majority of the Senate here pre-
 " sent have proposed *." Or simply, " Be
 " it as you ask."

How near to this Form of *proposing* and
resolving in the Roman Government, is the
 Proposal of *Moses* to the general Court or
 Congregation of all *Israel*? *Moses* laid be-
 fore their Faces all the Words which the
 Lord commanded him; that is, he proposed
 to them, Whether they would consent to this
 Covenant, and resolve it should be a funda-
 mental Law of their Nation? How near is
 this to the Form, *Is it your Will; and do you*
resolve it, O Hebrews? The Answer of the
 Congregation of all *Israel* is in these Words:
All that the Lord hath spoken we will do,
 How near is this to the Form, *† We will*
and resolve it? Or, *‡ We will, and resolve*
all that Jehovah hath proposed to us? Who-
 ever shall carefully observe the Forms of pro-
 posing and resolving in the popular Assem-
 blies of the *Hebrews*, will perceive, I think,
 still more Reason to understand the Powers
 and Authority of them in the *Hebrew* Go-
 vernment to be much the same as the Power
 and Authority of the *Roman* People was in
 that Government, or indeed much the same

as

* Populum cum Rogationem acciperet respondisse, volu-
 mus, jubemusque . . . Plebs sic jussit, quod Senatus maxi-
 ma Pars censuit, qui adfidelis, id volumus, jubemusque, or
 uti rogas. *Id. ib.*

† Volumus, jubemusque.

‡ Quod Jehovah censuit, id omne volumus, jubemusque.

as the Powers and Authority of the People were in most Governments of the Ancients : In which the Consent of the People was always to be asked and had, by the Senate or Council, in Matters of greater Moment, and general Concern.

In the *Athenian* Government there was an Assembly of the People called *Εκκλησια*, or a general Court of the *Athenian* Citizens, summoned according to Law, which was to confirm or reject what was proposed to it*.

The *Lacedæmonians* had a like Assembly of the People, especially that which was called simply *Εκκλησια*, or the Congregation, in distinction from what was called the lesser Congregation, or *Μικρα Εκκλησια*, which consisted of the Inhabitants of the City of *Sparta* only; whereas the general Congregation consisted of all the *Lacedæmonians* in all the Country of *Laconia*; “ to which it belonged to advise concerning
“ War and Peace, or whatever else related
“ to the publick and common Interest. In
“ particular, they were to give their Con-
“ sent to the Choice of Magistrates, and
“ confirm them in their Authority by their
“ Suffrage†.”

Such

* Est autem Concio Populi conventus legitime advocatus, rei, alicujus publicæ causæ, suffragio suo, aut jubendæ, aut vetandæ. *Sigonius de Rep. Athen. c. ii. p. 69.*

† Major Concio seu *Εκκλησια* simpliciter dicta omnium fuit, *Lacedæmoniorum*. Qui videlicet ex omnibus *Laconia* Oppidis conveniebant, hujus erat Concionis, ut cum Sociis
de

Such also were the Powers of the Assembly of the People in the ancient Government of *Carthage*. This was likely after the Model of *Tyre*, to which City the *Hebrew* Constitution could not be unknown, and a Similitude between them is highly probable. In this Government "the People declared
 " what they thought was proper to be done,
 " concerning the Things which were laid
 " before them; such Declarations were re-
 " ceived as the determined Resolution of
 " the whole City, and it was not lawful
 " afterwards to oppose it, or to contradict
 " it*."

These popular Assemblies in the forementioned Governments of *Greece*, *Italy*, and *Africa*, we may add in *Asia* too, as the *Carthaginian* Government was of *Tyrian* Original, may serve to explain this Part of the *Hebrew* Constitution, which appears to have so near Resemblance to them.

There is one Thing deserves particular Observation, the Manner in which Matters were proposed to the Assembly, and in which the

de gravissimis quibusque rebus consultaret, ut si bellum decernendum, vel pax facienda, vel si quid aliud omnes attingerent . . . Magistratus usque adeo concionibus subjecti, ut etiam ipsorum regum jus a populi suffragiis dependeret, neque item reliqui magistratus fere aliter, quam a populo consentiente, creabantur. *Craig. de Repub. Lacedæm.* l. i. c. vii. p. 48.

* Populus vero id quod placebat, de re eadem ad se relata decernebant. Ejus decretum, seu totius civitatis scitum, fixum habebatur, ultraque id tendere, sive obsistere, aut contravenire, fas non erat. *Ubbø Emmius Resp. Carthag.* p. 8.

the Assembly gave its Assent. In the Governments of *Athens*, *Lacedæmon*, *Carthage*, and *Rome*, when any thing was to be proposed to the People, it was to be proposed to them by a proper *Magistrate*; upon which Proposal the Assembly was to receive or to reject it. It was even provided by the * *Laws of Lacedæmon*, that none should be allowed to debate any thing, besides what was proposed to them by the *Kings* and the *Senate*; or, in the *Roman* Style, the People resolved on the Proposal of a Senatorian *Magistrate*. An Institution plainly intended to preserve the Wisdom of an Administration by the Councils of the Prudent, as well as the Liberty of the People in their Assent.

We have seen the Covenant between God and the *Hebrew* Nation thus proposed by *Moses* to the Congregation, and voted by them unanimously, † Be it as proposed.

When *Joshua* was made Successor to *Moses*, *Moses* is directed to set him before *Eleazar* the Priest, and before all the Congregation; there seems to have been a Proposal of his Choice to the People, as well as the Solemnity of Inauguration into his Office; agreeable to what was done before, when they received *Jehovah* for their King; agreeable to the Manner of asking and taking the Consent of the People in other Governments;

* Plutarch. Lycurgus.

† Uti rogas.

vernments; and agreeable to the Account the Scriptures give of the Manner in which they promised Obedience to *Joshua*. And *Joshua* the Son of Nun was full of the Spirit of Wisdom; for Moses had laid his Hands upon him, and the Children of Israel bearkened unto him, and did as the Lord commanded Moses. Or they consented to do what Moses proposed to them in the Name of *Jehovah*, to receive *Joshua* for his Successor, and to obey him as Judge in his Room. Deut. xxxiv. 9.

When *Saul* was appointed first King at the Desire of the People, it is thought not improbable by some ingenious Men, that *Saul* was nominated by a *Ballot*, and not by a pure Lot; but however that was, *Saul's* Appointment to the Kingdom was in the Congregation of the whole People. And when *Saul* appeared before the People, his Election was confirmed by unanimous Consent, and all the People shouted, and said, God save the King. And afterwards, when some were displeased with *Saul's* Advancement, and despised him, *Samuel* calls the Assembly again to renew the Kingdom. Then said *Samuel* unto the People, Come, and let us go to *Gilgal*, and renew the Kingdom there. We have accordingly this Account of what the People assembled at *Gilgal* did, And all the People went to *Gilgal*, and there they made *Saul* King before the Lord in *Gilgal*. 1 Sam. x. 24. 27. xi. 14. 15.

However

However short these Accounts are, yet if we take along with us the Conformity of this Congregation of *Israel* to the Assemblies of the People in other Governments, and the Manner in which this Assembly is described in other Places; we may, I think, very justly suppose, that if this Congregation did not chuse *Saul* by Vote and Ballot, they at least consented to his Nomination, and confirm'd his Authority when propos'd by *Samuel*, as that Proposal was made on their own Petition; especially when the Congregation was summoned to renew the Kingdom, and when, according to the Reason of their Meeting express'd in their Summons, *They made Saul King before the Lord.*

In like manner, though *Solomon* was first proclaimed King by *David's* Order, when *Adonijab* exalted himself, saying, *I will be King*; yet he afterwards *proposes Solomon to the People*, and confirms him in the Throne by their *Assent*; for they *made Solomon the Son of David King the second Time, and anointed him unto the Lord to be chief Governor, and Zadock to be Priest: Thus Solomon sat on the Throne of the Lord as King, in the stead of David his Father, and prosper'd, and all Israel obeyed him.*

1 Kings i.

1 Chron.
xxix. 22,
23.

But the Authority and Rights of this Branch of the *Hebrew* Government, as one of the States of *Israel*, may yet further appear,

pear, if we observe how far they were concern'd in Treaties of *Peace* and Leagues of *Friendship*.

When the Inhabitants of *Gibeon* came to *Joshua*, *Joshua* at the first made Peace with Jos. ix. 15, them, and a League to save their Lives; this Treaty was confirmed by the *Oath* of the Princes, and the Princes of the Congregation *swore unto them*: but when it was found soon after, that the *Gibeonites* had imposed on *Joshua* and the Princes, the Congregation grew uneasy, and murmur'd against the Princes, and so it was brought before the Congregation; and the Princes propos'd to the People a Confirmation of their League, because they had sworn unto it. And the Princes said unto them, *Let them live, as the Princes had promised them.* 21. It should seem plain from hence, that a Convention, tho' made by Judge and Senate, was to be ratified by the Consent of the People or Commons of *Israel*, according to the *Hebrew* Constitution, to give it full Authority.

This Congregation of *Israel* had also, as the popular Assemblies of other Governments had, some Jurisdiction in *criminal* Causes.

When *Saul* in a Battle with the *Philistines* 1 Sam. xiv. 42-43-45. had adjured *Israel*, not to eat any Food till the Evening, his own Son *Jonathan* transgress'd his Order; and upon his Confession, *Saul* his Father, then King and General, determines to put him to Death. And *Saul* answered, *God do so to me, and more also;*
L
for

for thou shalt surely die, Jonathan. This Sentence passed by *Saul* might appear to be without Appeal, and that there was no Authority to reverse it; however, the People said unto *Saul*, *Shall Jonathan die, who hath wrought this great Salvation for Israel? God forbid! as the Lord liveth, there shall not one Hair of his Head fall to the Ground; for he hath wrought with God this Day: so the People rescued Jonathan that he died not.*

Bishop Patrick justly observes, "That the People did not rescue *Jonathan* by Violence or Force." It was not a mutinous Act of an Army: Yet the Expressions of the History will no ways suit with his further Supposition, "That they delivered him by Petition to *Saul*; or, as *Grotius**, "not by Authority, but Intreaty." *As the Lord liveth, there shall not one Hair of his Head fall to the Ground*, has very little of the Style of an humble Petition; it seems a very full Resolution, and which it appears they understood to be their Right. And why may it not be so understood, when the Authority of condemning or absolving Criminals is known to belong to the Assembly of the People, in the most celebrated Governments of *Greece* and *Rome*? *Josephus* mentions indeed, "They offered Prayers to God, That he would forgive *Jonathan's* Sin;" but he makes no mention of any Petition they made to his Father *Saul*; but that they

* Non Imperio, sed deprecando. *Grot. on the Place.*

“ they rescued him from his Father’s Anger
 “ and rash Curse*,” which Words can hardly, I think, be understood of a Petition, but must mean either Force or Authority. And the Words in the Original seem to mean neither *Force*, nor *Petition*, but an Act of their own *Authority*, whereby *Jonathán* was redeemed from the Sentence of Death; or whereby he was pardoned, and the Sentence of Death passed upon him was reversed, in the general Court of *Israel* †. This Interpretation is greatly favoured, as Judgment in criminal Cases is given to the Congregation by an express Law on some Occasions.

The Congregation is appointed to judge between the Slayer and the Avenger of Blood, *And the Congregation shall judge between the Numbers Slayer and the Revenger of Blood; and the xxxv. 24. Congregation shall deliver the Slayer out of of²⁵ the Hand of the Revenger of Blood; and the Congregation shall restore him to the City of Refuge.* Now, whatever Congregation is here meant, whether *provincial* or *national*, there is all reason to understand that all Powers which belonged to a lower Assembly, did belong to the higher Assembly

L 2

or

* Εξαπαύσει τῆς το Πατρὸς ἀπαι; Juvenem irato patri eripiant. *Josephus Ant. l. vi. c. 7.*

† Liberavit ergo Populus Jonathan ut non moriretur V. L. *He* redeemed him, seems to mean neither Violence nor Petition, but an Act of their own, whereby he was pardoned and the Sentence reversed; so that the Congregation redeemed him.

or Congregation of all *Israel* in national Affairs.

This Congregation had also Authority in *civil Causes and Matters of private Property*. In the Case of the Daughters of *Zelophebad*, or of Female Succession, on Failure of Heirs Male; it was laid before *Moses*, the Priest, the Princes, and all the Congregation. They laid it before the Parliament of *Israel* by Petition, representing that their Father died without Sons; praying that they might have a Possession among the Brethren of their Father, that the Name of their Father might not be done away from among his Family, because he had no Son. This Petition was receiv'd, and referred to the Decision of the Oracle. And *Moses* brought their Case before the Lord, and the Lord spake unto *Moses*, saying, *The Daughters of Zelophebad speak right*; and thereupon a Law was enacted to settle Female Successions.

Numbers
xxvii. 1, 2.
3.

5. 8. 9.

Numbers
xxxvi.
1—8.

After this Law was made, the Tribe of *Manasseh*, to which these Daughters of *Zelophebad* belonged, brought another Question to be determined, Whether Heiresses might marry into other Tribes, and so transfer their Inheritance from one Tribe to another? This Petition was also received and answered, according to the *Word of the Lord*; that they should marry only within their own Tribe, that the Children of *Israel* may enjoy every one the Inheritance of his Father.

The Congregation before which these Cases were brought by Petition, was an Assembly of the States-General of *Israel*, the Judge, Senate and People; and seems plainly to shew, such Questions were properly according to the Constitution brought before them. It was judg'd fit to consult the *Oracle* for an Answer, very likely, because it was convenient to have this Case settled by a new Law; now new Laws were not to be made but by *Jehovah* the only Lawgiver, as was observed before. Therefore *Moses* consulted at the *Schechinah*, as the *Hebrew* Writers call the Glory of God's Appearance, and whence the Oracle gave the Command of *Jehovah*. It may be fit to observe here, it was the peculiar Privilege of *Moses* to consult the Oracle himself, and he had no need of the High-priest to consult with the *Urim* for him: for the Lord spake unto *Moses* Face to Face, as a Man speaketh unto his Friend*. So that during the Administration of *Moses*, none consulted the Oracle or received the Word of *Jehovah* from the *Schechinah* but *Moses* himself.

These Things being considered, the Nature and Method of Proceeding in this Assembly may appear to have been much after this Manner. Here was a Case brought before

L 3

the

* De Facie, ad Faciem, h. e. in propria Persona, coram absque medio. . . Unde vides quod Auditio Vocis sine intermedio, & interventu Angeli cognominetur phrasi illa, de Facie ad Faciem. . . *Maimon. Mor. Nevoc. P. i. c. 37. p. 55.*

the Congregation by Petition. It was therefore used to receive such Petitions, and consider such Cases, as were so brought before it. This appearing to be a Case that required a new Law, it was referred to the *Oracle*, which in Times after the Administration of *Moses*, by the Constitution, was only to be consulted by the *High-priest* with the Urim. In which, by the way, we have the whole Union of the Tribes in their States-General pretty plainly express'd. Here was *Moses* as Judge or Stadtholder, here was the *High-priest* the appointed Minister to consult the Oracle, which was placed only during the Administration of *Moses* by particular Privilege in him; here were the *Princes* and all the *Congregation*, which shews the Authority of the Commons of *Israel*, in a plain Instance of Matters judiciary, brought before the States-General of the united Tribes: for this Case was referred to them as well as to the *Princes* and to *Moses* himself the Judge. So that the *Commons* of *Israel*, as distinguished from the *Princes* and the Judge, will make one of the States then assembled in full Parliament.

Yet it is to be owned, some learned Men speak differently concerning the Persons meant here by all the Congregation. " By
 " *Princes* are meant (says Bishop *Patrick**)
 Ex. xviii. " either the Heads of the Tribes, or the
 25. " highest of the Judges appointed, called
 " the

* *Patrick* on the Place.

“ the Heads of the People ; and by all the
 “ Congregation is meant the seventy Elders
 “ mentioned in this Book ; for they are cal-
 “ led the *whole Congregation*, and sometimes *Ex. xi. 24.*
 “ only the *Congregation*, as *R. Solomon* ob-
 “ serves*.” He further adds, “ Now at
 “ the Head of all these sat *Moses*, and next
 “ to him *Eleazer* the Priest.”

Bertram has very justly distinguished be-
 tween the Assembly of the *seventy* Elders,
 and the *Princes* Heads of Thousands, Hun-
 dreds, &c. a Distinction which may appear
 more clearly as we go on. But the same
 learned Author as justly observes concerning
 “ the general Assembly of the free *Israelites*,
 “ that is, of all that entred into the Congre-
 “ gation of the Lord, or of all who enjoyed
 “ the Rights of the *Hebrews*, so that they
 “ were accounted God’s People : That when
 “ they were met in Assembly, they were
 “ called the *Assembly* and the *whole Assembly*
 “ of the Congregation of *Israel* ; sometimes
 “ more simply the *Congregation*, and some-
 “ times *all the Congregation* †.”

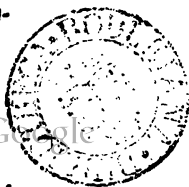
The Authority of the *Talmudists* in these
 Cases, is very low with learned Men, as may

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appear

* See *Bertram* de Repub. Jud. p. 72.

† Universalis autem Civium Cœtus, id est illi omnes qui
 ingrediebantur קהל יְהוּדָה i. e. Agmen Jehovah, hoc est om-
 nes illi, qui ita jure Populi Israelitici donati fuerant, ut in
 Populo Dei censeri possent, simul aggregati vocabantur
 קהל i. e. Agmen, aut etiam בְּלִעְרֵת יִשְׂרָאֵל i. e. universus
 Cœtus Israelis, aliquando etiam simpliciter עֶרְת i. e. Cœ-
 tus aliquando & בְּלִעְרֵת i. e. universus Cœtus.



appear by Bishop *Patrick's* own Representation of this Case: " This Question was carried thro' all the Courts (according to them) it began with the Rulers of *Ten*, who knowing not what to say to them, they went to those of *Fifty*, from thence to the *Centurions*, at last to the *Chiliarchs*; none of which durst adventure to give Judgment, but refer'd the Cause by reason of its Difficulty to *Moses*, who brought it to the *Schechinah*, as they speak, that is, to the divine Majesty. Now Rabbi *Solomon's* Observation, that all the Congregation, meant the seventy Elders, deserves no more Credit than the Observation of his Brethren who have made this Cause run such a Course of Law thro' so many Courts, without any Foundation."

If we were even to suppose the Truth of Rabbi *Solomon's* Observation, and that the seventy Elders are sometimes called the whole Congregation, which is at the least very doubtful; it is on the other Hand, without any Doubt, certain, that *all the Congregation of Israel*, and the *Congregation of all Israel*, is the proper Title of the general Assembly of all free *Hebrews*, who had a Right to enter into the Congregation of *Jehovah*.

It is probable, as we shall see presently, that the Princes might mean a Council or Court of the Princes of Tribes, together with the seventy Elders, as the Peers of *France* make the Court of the Parliament of *Paris*, together with

with the Presidents and Counsellors; but it seems a very strange Description of the *Sanbedrim*, especially as the *Talmudists* suppose it a supreme Court of Justice, to call it *all the Congregation*, especially in direct Opposition to the *Princes* and the *Judge*. It appears the most natural Meaning, and at the same Time the only Meaning agreeable to the real Constitution of the *Hebrew* Government, to understand by the *Princes*, Persons with *Senatorian Dignity*, whether the chief Officers of the Tribes, or the great Court of Justice of the Seventy; or, which appears most probable, a Senate consisting of both together; which, with the Judge proposing to the Congregation of all *Israel*, and asking the Consent of the whole *Hebrew* People, was the fullest and highest Authority of the *Hebrew* Nation.

This may shew, notwithstanding Bishop *Patrick's* Observation, (who, it is to be observed, builds it solely on the Credit of Rabbi *Solomon* and the *Talmudists*, which is very little with learned Men, especially in their Accounts of the *Sanbedrim*,) that *all the Congregation* does not here mean the *Sanbedrim*, or seventy Elders, but a proper popular Assembly of the *Hebrews*, or a Congregation of the Commons of all *Israel*, of whom on some Occasions the inferior Officers might be a Representative. This Assembly, summoned legally, with the great
Officers,

Officers, and seventy Elders, as the Senate, made a full Parliament of *Israel*.

And this seems to have been the proper Share of the People or Commons of *Israel*, in the original Constitution, as one of the States of the *Hebrew* Nation.

C H A P. IX.

Of the Senate of Israel.

WE have seen, that according to the *Hebrew* Polity, there were Elders in every City, as well as an Assembly of the People; and that every Tribe had Princes and Heads, which made a provincial Council of State, as well as War. Such an Institution, for preparing Matters, by Counsel and Advice of knowing Men, for a general Consent, which was to give Authority to publick Resolutions and Orders, was very necessary to the Wisdom of Government. To prevent Rashness and precipitate Judgments, to which popular Assemblies are very subject, the freest and most popular Governments have always therefore had Senates of some Form or other, to prepare and ripen Matters, and to propose them in some Degree of Maturity to the People for their Consent.

There is so much Mention in the *Hebrew* History of the *Princes* and *Elders* of the People, that there can be no Question whether

ther the *Hebrew Nation* had a Senate of some Form or other? But what that Senate was, either as to the *Persons* of whom it consisted, or as to the *Powers* with which they were vested by the Constitution, is not so clear, nor quite so easy to be determined.

The *Rabbinical* Writers have greatly darkened, and even confounded this Question; they have given us their own chimerical Imaginations, instead of real historical Facts: For though they could have no other good Foundation to build upon but the Scripture-History, yet they have given such an Account of their *Sanhedrim* as the Senate and supreme Court of the *Hebrew Nation*, as is nowhere to be found in the Scripture-History, and is in many Things absolutely inconsistent with it. We may then conclude concerning them and the Authority of their Accounts, in the Words of a very learned and diligent Author: "That the Antiquity of the *Rabbinical* Sanhedrim is absolutely fabulous; " that the Prerogatives they ascribe to it, and " most of the Orders they mention for the " Execution of Justice in it, are very ill supported, and very uncertain. . . . That the " true Sanhedrim or Senate of the Nation, (our Author is speaking of the modern *Rabbinical* Form,) " having begun under the " *Macchabees*, grew greater under the Kings " of the *Hasmonean* Family; and from a " weak and tottering Condition, in which " it

“ it was at first, it rose up to such Degrees of
 “ Authority and Power, that it became for-
 “ midable to Kings themselves *.”

“ But since it has pleased the *Rabbins*, (to
 use the Words of the same Author) “ to give
 “ us a chimerical Description of their ancient
 “ Government, and many learned Interpre-
 “ ters have suffered themselves to be misled
 “ by their Discourses, we are obliged to un-
 “ deceive those, whom their Name and
 “ their Authority might impose upon †.”
 Whoever has a mind to see more at large the
 Weakness of the *Rabbinical* Account, and
 its Inconsistence with the true *Hebrew* History,
 may find enough to satisfy them in the fore-
 mentioned learned Author.

To leave then the *Rabbinical* Sanhedrim
 to their Admirers, let us consider what the
 true *Hebrew History* acquaints us, concern-
 ing their national Council or Senate ; which,
 together with the Oracle, the Judge and the
 Congre-

* On peut conclure de tout ce qui a été dit jusqu'ici, que
 l'Antiquité du Sanhedrin Rabbinique est absolument fabuleux,
 que les Prerogatives qu'ils lui attribuent, et la plupart des
 Regles qu'ils lui font suivre dans l'Exercice de la Justice, sont
 tres mal fondées et tres incertains . . . Que le vrai Sanhedrin,
 ou Senat de la Nation, ayant commencé sous les Macchabées,
 alla en augmentant sous les Rois Asmonéens, et de foible, et
 chancelant qu'il étoit d'abord, s'eleva a un degre d'autorité,
 et de pouvoir, que devint redoutable, meme aux Rois. *Cal-
 met. Dissert. sur la Police des Hebreux*, Vol. 1. p. 204.

† Mais puisqu'il, a plu, aux Rabbins, de nous donner une
 Description chimérique de leur ancien gouvernement, et que
 plusieurs sçavans interpretes, se sont laissé surprendre a leurs
 Discours, on est obligé de detromper ici ceux a qui leur nom,
 et leur Autorité auroient pu faire illusion. *Id. ib.*

Congregation of all *Israel*, made the States-General of the united Tribes of *Israel*.

For the better understanding of what so short an History affords us, it may be proper to look back to the State of the *Hebrews* while yet in *Egypt*, before their Government was established by the *Mosaical* Laws in the Wilderness: For it is a very probable Observation of the learned *Bertram* *, “ That the
“ Number of Seventy Elders, appointed
“ by the Law of God, was not so much
“ a new Institution, as the Continuation of
“ a former Usage; as God rather confirm-
“ ed than new instituted many Things at
“ Mount *Sinai*, which were ancient Customs
“ of the Fathers.”

“ It is evident, says the very learned Bishop
“ *Sherlock* †, that every Tribe had its own
“ Princes and Judges, and that every Prince
“ or Head of a Tribe judged his own People;
“ consequently every Tribe had a Sceptre and
“ Lawgiver, as well as *Judab*. That this
“ Power in the Tribes took place immediately
“ upon the Death of *Jacob*, may be collected
“ from hence, that from this Time all Ap-
“ plications and Messages are not to the
“ People, but to the Elders of *Israel*.”

When

* Quasi septuagenarius Seniorum Numerus, quem Deus in Lege sancivit, non tam ab eo tum institutus, quam continuata fuerit; sicut & alia quamplurima apud Patres usitata, Deus ad Montem *Sinain*, potius confirmavit, quam innovavit. *Bertram de Rep. Heb.* p. 51.

† Bp. *Sherlock* Dissert. III. 304.

When *Moses* was first sent to the Children of *Israel*, to deliver a Message from *Jehovah*, and to acquaint them that he had visited them, and seen that which was done unto them in *Egypt*; he is commanded to go and gather the Elders of *Israel* together; and say unto them. We find this Direction exactly follow'd by *Moses*: *And Moses and Aaron went and gathered together all the Elders of the Children of Israel.* We have in the same Period of the *Hebrew* History, while they were yet in *Egypt*, an Account of the Heads of the several Families, or the Heads of their Fathers Houses.

The Dignity then of Princes of Tribes and Heads of Families in the several Tribes, may well be taken for an ancient and well-known Custom, and which likely began upon the Death of *Jacob*, the common Father of all the Tribes. Then each Tribe began to have Princes and Judges, a Sceptre and a Law-giver of its own; and they were considered and addressed unto, as Persons of chief Dignity, and principal Authority in their respective Tribes; that these Persons had an Authority and Jurisdiction, may appear from what one of the *Hebrews* said to *Moses*, *Who made thee a Prince and a Judge over us?* A Prince, it should seem, and a Judge in the common Acceptation of the *Hebrews* was much the same. It appears also probable, that there was some sort of Union between the Princes of the several Tribes, in whose Councils

Counsels and Directions the several Tribes were in some sort united into one Body: For the Proposal of *Moses* was to be made to them as *Elders of Israel*, not as Princes of one particular Tribe. *Moses called for all the Elders of Israel*, or he summoned the Princes and Heads of Families of the whole *Hebrew Nation*. This Direction concerning the Passover, was by them communicated to all *Israel*, was receiv'd and obey'd universally by all the Nation, and the Children of *Israel* went away; and as the Lord had commanded *Moses and Aaron*, so did they. Ex.xii.21. 28.

It is moreover particularly observ'd, that when God brought the Children of *Israel* out of *Egypt*, it was in Hosts, and by their Armies. The self-same Day it came to pass, that all the Hosts of the Lord went out from the Land of *Egypt*. And it came to pass the self-same Day, that the Lord did bring the Children of *Israel* out of *Egypt* by their Armies. This makes it evident, that when the Children of *Israel* went out of *Egypt*, it was not as a tumultuous Mob in Confusion and Disorder, but as Hosts and an Army, under proper Commanders, and each with its own Standard. 41. 41.

This seeming slight Observation may yet be of great Use to shew, that in so short a Time, on so sudden a March, with so great a Number of People, they could not have gone

gone out in order as Hosts and an Army, if there had not been some known Officers, and Form of Discipline before: How could they else have known under what Standard they were to march, or what particular Officers were to command them? It should seem then, while they were yet in *Egypt*, the Princes of Tribes were acknowledged a sort of general Officers of the Tribes, and the Heads of Families, subordinate Officers in their respective Families as Parts of the Host. So that the Tribe of *Judah*, for instance, as the Host of *Judah*, was under the Command of *Nashon* Prince of *Judah*.

Numb. x.
14.

When we see the Use of these Princes and Elders of the Tribe of *Israel*, both for Counsel and Command, while they were yet in *Egypt*, and immediately after they went out of *Egypt*, we need not wonder to find very near the same Order, Dignity and Authority continued in them. Here the Wisdom of God seems to have confirmed ancient Customs, rather than to have made new Constitutions.

We are not to expect these Princes and Elders should have publick Courts and Jurisdiction in the Bondage of *Egypt*, yet they seem to have had some sort of political Government among themselves, even there.

But the *Jethronian* Prefectures, as they are usually called, and the Court of seventy Elders, which the *Rabbins* will have the Original of their Sanhedrim, were very considerable

derable new Constitutions, and are necessary to be understood in some measure, in order to know the true Nature of the Senate of the Hebrew Nation.

When *Jethro* came to visit *Moses* in the Wilderness, where he encamped at the Mount ^{*Jethroni-*} of God, he observed that *Moses* sat to judge ^{*an Presetures.*} the People, from the Morning unto the Evening, ^{*Ex. xviii;*} as in ancient Times it was customary for chief Magistrates to hear Causes and administer Justice in Person. It is probable the Judgment of so great a Person as *Moses*, might be better esteemed and more quietly submitted unto, than the Judgment of Persons of lower Reputation and Authority. So *Josephus* * understood it: "They not expecting such Right from other Judges; and when they lost their Cause before such a Judge, they bore it with an easy Mind." *Moses* also might be desirous to give the People all the Satisfaction he could; but, as *Jethro* observed, *this Thing is too heavy for thee, thou art not able to perform it thyself alone.* 13. He advises therefore, that *Moses* would keep himself to greater Matters; and as for the common Causes that were daily pleaded, he should appoint some Judges, who in his stead should hear and decide them, and that these Judges should be provided out of all the People, 21. able Men, such as fear God, Men of Truth, bating Covetousness; that he should place
M such

* *Josephus* Ant. Jud. l. iii. c. 3.

Ex. xviii.
26.

such over the People *to be Rulers of Thousands, Rulers of Hundreds, Rulers of Fifties and Rulers of Tens, and let them judge the People at all Seasons . . . The hard Causes they brought unto Moses, but every small Matter they judged themselves.*

These Judges then seem to have been a sort of Justices of Peace in several Divisions, probably taken from the Military Divisions of an Host, into Thousands, Hundreds, Fifties and Tens; this was a Model proper for them as an Army marching, and not unsuitable to their Settlement as Tribes and Families, in a sort of Counties, Hundreds and Tithings. Perhaps our old Saxon Constitution of *Sheriffs* in Counties, *Hundredors* or Centgraves in Hundreds, and *Deciners* in Decennaries, may give some Light to this Constitution of *Moses*. Some have thought that those Constitutions of the *Saxons* were taken from these Laws of *Moses*, introduced, says my Author*, by *Alfred*, or his Direction.

Whoever will consider the Advice of *Jethro*, without too much Rabbinical Learning, or too much Veneration for some great Names, who, in these Subjects, implicitly follow the Rabbins; may, I think, truly perceive the Reason of this Constitution, and the Nature of the Constitution itself.

These inferior Judges are generally supposed to have been chosen by the People †, according

* *Bacon of Eng. Government*, P. i. p. 70.

† Δοκιμασθέντες υπό τῶν Πληθόντων πάντων. *Joseph. Ant.* l. iii. c. 3.

according to *Josephus*, approved of all the People according to *Moses's* own Direction; *Take ye wise Men, and understanding, and known among your Tribes, and I will make them Rulers over you.* ^{Deut. i. 13.} It should seem however, that tho' in this Constitution, Persons are chosen to be Judges for their Wisdom and Integrity; yet as they were to be Persons known among their Tribes, it is greatly probable, that they were to be Persons whose Characters were more generally known than private Persons, and therefore that they were chosen out of the Officers. Thus these Judges will be a Sort of *Quorum*, distinguished from the rest of the Officers by a special Commission of Oyer and Terminer, to hear and determine certain lesser Causes brought before them in their several Divisions.

It does not appear, whether these several Judges and their Courts were superior to each other, so that there lay Appeals from the lesser to the larger, as from a lower Court to an higher; may it not rather be design'd to give Persons Liberty to chuse before whom their Cause should be heard, whether within their Tithing or Hundred, or if they had much greater Opinion of the Wisdom and Integrity of the Judge of the Thousand of *Israel* to which they belong'd, they might, as they thought fit, be so far satisfied in chusing their own Judge, now they had not the Liberty of bringing the smaller Causes immediately before *Moses*. However, these

Jethronian Prefectures, though they might be a Plan of the provincial Judges, and so of the Senates of the Cities in the provincial Government, yet they could be no Part, I conceive, of the States-General, in which all the Tribes were united.

Of the
Sanhedrim

This wise Provision by the *Jethronian* Prefectures for the more easy and ready Administration of Justice, was instituted while *Israel* incamped at the Mount of God, either *Horeb* or *Sinai*, which were two Names of the Eastern and Western Sides of the same Mountain. The Children of *Israel* encamped there, about three Months after their March out of *Egypt* thro' the Red Sea into the Wilderness, and continued there about one whole Year; but before the Coming of *Jethro*, according to the Computation of the learned Archbishop *Usher* *, the Princes of Tribes had made their Offering, and the Tabernacle was erected. I observe this Circumstance as we go along, because it will appear of some Use presently. The *Israelites*, by Direction of the *Schechinah* or Cloud of Glory, marched from *Sinai* to the Wilderness of *Paran*, at which Time the Army march'd in its *Hosts*, under the Command of the Princes of the Tribes in very exact military Order. Here *the People complain'd, and it displeased the Lord, and the Lord heard it, and the Fire of the Lord burned among them,*

Numb. x.
12.

* Usher. Annal. An. ant. C. U. 1490.

them, and consumed them that were in the uttermost Parts of the Camp. And here the mixt Multitude that was among them fell a lusting, ^{Numb. xi. 1.} and the Children also wept again, and said, who shall give us Flesh to eat? When Moses perceived the great Uneasiness and Discontent of the People, and that the Anger of the Lord was kindled greatly; he also was greatly concerned and afflicted with so unpromising and melancholy a Prospect of Affairs. He complains, *I am not able to bear all this People* ^{Numb. xi. 4.} *alone, because it is too heavy for me.* Upon this Complaint *Jehovah* said unto Moses, *Gather unto me seventy Men of the Elders of Israel, whom thou knowest, to be Elders of the People, and Officers over them, and bring them unto the Tabernacle of the Congregation, that they may stand there with thee; and I will* ^{14.} *come down and talk with thee there; and I will* ^{16, 17.} *take of the Spirit which is upon thee, and will put it upon them, and they shall bear the Burden of the People with thee, that thou bear it not thyself alone.*

This Direction was punctually executed by Moses; for Moses went out and told the People ^{24, 25.} the Words of the Lord; and gathered the seventy Men of the Elders of the People, and set them round about the Tabernacle; and the Lord came down in a Cloud, and spake unto him, and took of the Spirit that was upon him, and gave it unto the seventy Elders; and

it came to pass that when the Spirit rested upon them, they prophesied and did not cease.

This is the Account the Scriptures give of the Original and Institution of this famous Court or Council, so much celebrated by the *Hebrew Masters.*

- Gen. xlv. 27. " In this Account the Number Seventy, says Bishop *Patrick*, " is supposed both by " the *Jewish* and *Christian* Writers, to be " derived from the Number of Persons that " went down into *Egypt* with *Jacob*, who, " saith *R. Bechai*, were a * kind of Pro-
Numb. xi. 16. " totype of this Number in future Ages:
Ex. iii. 16. " For hence they were govern'd by so many " Elders when they were in *Egypt*. (Where " there is no Mention indeed made of the " Seventy, but he gathers it from what fol-
xxiv. 1--9. " lowed) and those were the Seventy, whom " we find at the giving of the Law a little " after they came out of *Egypt*, who are
ver. 11. " called Nobles or Great Men. So that this " Number was not now first constituted, " but rather continued and confirmed."

What might have been the particular Reason of chusing the Number of Seventy out of the many more Elders of the *Hebrews*, is neither certain, nor of great Importance; but as seventy of the Elders, that is, out of a greater Number, were chosen to accompany *Moses*, *Aaron*, *Nadab* and *Abihu*, to the Mount; so here seventy of the

the Elders of *Israel*, that is, out of a greater Number, are appointed to bear the Burden of the People with *Moses*, *Whom thou knowest to* Ex xxiv. 1. *be Elders of the People.* For there were many Elders, says Bishop *Patrick* *, out of whom seventy were chosen.

These seventy so chosen out of the other Elders, were to be brought to the Tabernacle of the Congregation, that they might stand there with *Moses*. They were to be presented unto God, and consecrated to this Service, that they might be as a standing Council to assist *Moses* in the Government of the People, so as to ease him in the Burden of the Government, that he might not continue to bear it himself alone. In order to give greater Weight and Authority to their Councils, God promises he would talk with *Moses*, “ to declare, perhaps, says the forementioned Bishop *Patrick*, “ in their Audience, that “ he appointed them to be Assistants to *Moses* in the Government:” Or, by the Voice of the *Oracle*, to declare his Approbation of *Moses*’s Government, and his Appointment of these Elders to assist him in his Administration. *And I will take of the Spirit which is upon thee; and put it upon them:* Or, in the Words of the same Author *, “ He conferred upon these “ Men some of the Gifts, (which are here “ meant by Spirit,) viz. of Wisdom, and “ Judgment, and Courage, with all others
M 4 “ that

* Patrick, ib. † Id. ib.

“ that are needful in a Governor.” To assure the Performance of this Promise to the Satisfaction of the People, it came to pass, when the Spirit rested on them, *they prophesied and ceased not*. Not to enter into any critical Enquiry how they prophesied, or how long, which is not to our present Purpose; it is sufficient to observe, that the Spirit of Prophecy was an evident Sign that they were chosen by God for Coadjutors to *Moses*, that they were approved by him, and had received from him a Spirit of Government.

It is not certain in what Manner they were chosen: “ The *Jews* suppose that six were “ named out of each Tribe, that is seventy- “ two in all, and in seventy Schedules “ *Moses*, with the Name of *Elder*, but the “ other two were Blanks; then mixing all “ these in an Urn, he bad them come and “ draw. They who drew a Schedule with “ the Name *Elder* on it, were chosen; “ they who drew Blanks, were not.” But, as the same Author observèd, “ this whole “ Story of the Manner of chusing the Elders, “ is very dubious.” However it was they were nominated or chosen, it is highly probable, that as they were to bear the common Burthen of the Government with *Moses*, which concern’d all the Tribes, and which in particular was intended to keep them from continual mutinous Complaints; it was

was proper there should be an equal Number of each Tribe, and that they should be such Persons as the Tribes themselves should approve, and confirm by their Choice, as Persons fit to be confided in. And thus far the *Hebrew* Writers are unanimous.

But the Design of this Institution is of the greatest Importance, in this Enquiry. In general, they were to bear the Burthen of the People with *Moses*; that he might not bear it alone. This sure cannot be meant of the common and ordinary Administration of Justice, which had been provided for just before, in the *Jethronian* Prefectures. As far then as they were to assist *Moses* in Matters judiciary, it could only be in those greater Matters, which, as reserv'd Causes, were to be brought before *Moses*; or such difficult Questions as were referred by Appeal from the inferior Judges. In this Sense, this Court of the seventy Elders will be a Constitution not much unlike the Parliament of *Paris*, so far as that is a Court of Law. But this was not the only End for which this Court was instituted. The immediate Occasion of its Institution, was the Complaint of *Moses*, on the Murmuring and Sedition of the People, and the Displeasure of God; that Fire was sent to consume them that were in the uttermost Parts of the Camp; " or some in
" every Part of the Camp, as Bishop *Patrick* justly observes, " where they began to make
" Complaints to one another of their being
2 " still

“ still in a Wilderness.” It is in Answer to this Complaint of *Moses* on this Occasion, that the Lord said, *Gather unto me seventy Men, of the Elders of Israel that they may stand with thee And they shall bear the Burthen of the People with thee, that thou bear it not thy self alone.* We see plainly, that these seventy were to be Coadjutors to *Moses* in his Councils, how to answer the People’s Complaints, and to advise what would be best to do on all Occasions, especially of greater Difficulty ; to preserve Peace and good Order among the People, and to prevent those Mutinies which would likely prove fatal to the whole Nation, if not remedied by some Means or other.

In this View the seventy Elders will appear to be design’d not only as a standing Court of Law and Equity, to assist *Moses* as Judge in Causes of greater Consequence, and in Appeals, but to assist the Judge with their Advice on every Occasion ; this was properly to bear the Burthen of the People together with *Moses*, that he might not bear it himself alone. For now the Judge would not bear all the Envy or Ill-will of the People when dissatisfied or uneasy with any Part of the Administration : For the Common-People, though they know very little of the Reasons of any Administration, are yet apt to think every Thing wrong that does not please them, or which is attended with Difficulties to them-

themselves or the Publick. Now, a Council of seventy Persons of the most approved Wisdom and Integrity, would at least share this Burthen among them all, instead of throwing the whole on one Man. And it would be moreover an Ease to the Judge's own Mind, and make him more resolv'd in any Council to be taken or executed, when it should be with the Advice and Approbation of a Multitude of Counsellors, in which there is Wisdom and Safety. And finally, it was proper to give Authority and Respect to such Orders as should be made by Advice of Persons, whom the People themselves had approved and chosen, as eminent for their Wisdom and Integrity.

Consider then this Court, as a standing Senate always at hand, or as a constant *Privy Council* to the Judge, and we have a most wise Provision for the easier and better Government of the whole Nation; and this will make a considerable Part of the States-General of the united Tribes.

But there remains another Consideration of very great Consequence, as to the national Senate of the *Hebrews*: Many seem to think, that it consisted only of these seventy Elders, led into this great Mistake, I think, by the chimerical Description the *Talmudical* Writers have given of their *Sanhedrim*; as if these seventy Elders were the only Members of the National Council, and that the States-General of the united Tribes consisted of no other Persons

sons than these. This is a Mistake, as I conceive, absolutely inconsistent with some of the plainest Facts of the *Hebrew* History, and which has misled some very learned Men into a considerable Error, concerning the true Nature of the *Hebrew* Government.

For the Princes or Nobles of the *Hebrews* in their several Tribes, that is, the *Princes* of the Tribes and the *Heads* of the Families of their Fathers, appear very plainly to have *Session* and *Vote* in their national Senate. A few Instances will be a sufficient Proof of this Part of the *Hebrew* Government.

When the Children of *Reuben* and *Gad* came with a Petition to have their Settlement assigned to them on the East of *Jordan*, *They came and spake unto Moses and Eleazar the Priest, and unto the Princes of the Congregation.* Though this Petition was long after the Institution of the Sanhedrim, yet the Princes of the Congregation are assembled to consider this Proposal; as they had been before in the Case of *Female Successions*, and as they were afterwards upon the Regulation of the Marriages of *Heiresses* within their own Families.

Numbers
xxxii. 1, 2.

xxvii.

xxxvi.

As those Persons are described by the Titles of the *Princes*, the chief Fathers of the Children of *Israel*, it is plain we are to understand the same Persons who were Princes of Tribes and Heads of Families, who were the Nobles of *Israel* before the Institution of the Sanhedrim, whose Rank and Authority
in

in the *Hebrew* Government was no Ways taken away by the Institution of that Court. These were still the great Council or Senate of the Nation. This may appear yet more evident from a few Instances under the Administration of *Joshua* the Successor of *Moses*.

When *Joshua* made a League with the *Gibeonites*, it was confirmed by the Approbation of the Princes of the Congregation; *And Joshua made Peace with them, and made a League with them, and the Princes of the Congregation swore unto them.* And thus again; when the Daughters of *Zelophebad* came to petition for their Inheritance, as it had been ordered by the Voice of the Oracle, *They came near before Eleazar the Priest, and before Joshua the Son of Nun, and before the Princes.* And once more, when the *Eastern Tribes* had built an Altar which gave Jealousy to the *Western Tribes*, *They sent Phineas the Son of Eleazar the Priest, and with him ten Princes, of each chief House a Prince, throughout all the Tribes of Israel, and each one was an Head of the House of their Fathers among the Thousands of Israel:* That is, they sent a solemn Deputation of the national Senate, in the Name of the whole Congregation of the Lord, to expostulate the Matter with them.

But how, you will say, are we then to understand the seeming different Accounts of the

the Senate of *Israel*? Was the *Court* or *Council* of the Sanhedrim the same Persons with these Princes of *Israel*? The Description of these Princes, is such, as cannot possibly agree with any other Persons than the Princes of the Tribes, and the Heads of Families, so well known before the Institution of the Sanhedrim, that it cannot mean the seventy Elders of the Sanhedrim only; and yet their Rank and Authority are spoken of in such Manner, as to shew, that they were employed in the great Affairs of the Nation, why may we not conceive of the Sanhedrim as a select Senate, or as a lesser and privy Council; when yet all the Princes of *Israel* might have Session and Vote in the great and general Council of the Nation, which, when assembled, is called by the ancient Style, the *Princes of the Congregation*; and this may be a good Reason why the Elders of the Sanhedrim have so little express Notice taken of them; for when the general national Senate was assembled, they were considered only as particular Members of it.

Perhaps a modern Constitution, which is more generally known, may serve to give us an easier Notion of this national Senate of the *Hebrews*; I mean the Constitution of the Parliament of *Paris*, which is thus given us by an eminent Author: "Our Kings
 " attended the great Affairs. They assembled the great Men of the Kingdom, and
 " these Assemblies were called the King's
 " Court

“ Court or Parliament. The great Men
 “ who attended these Assemblies, were stiled
 “ Barons of the Kingdom, and afterwards
 “ Peers of *France*. These Barons of the
 “ Kingdom were the Bishops, Dukes, Earls,
 “ and all the great Tenants, who held im-
 “ mediately of the Crown ; but as it was
 “ not easy to examine fully many of the
 “ Affairs which came before them, the
 “ Kings gave Commission to Men of Abili-
 “ ties, to assist with their Care and Coun-
 “ cils, and these Counsellors were called
 “ Masters of Parliament*.”

In the Parliament of *Paris* then, all the
 Peers of *France* have Session and Vote ;
 but for the ordinary and common Business,
 as a Court of Law and Appeals, a certain
 Number of Counsellors are commission'd to
 transact it. These Masters of Parliament are
 Men *learned* in the Laws, *preside as* Judges
 in a Court of Justice, to examine and re-
 gister the Acts of State, &c. But on ex-
 traordinary Occasions, when a full Parliament
 is

* Les Rois continuoient toujours a prendre Connoissance
 des grandes Affaires, ils assembloient les Grands du Royaume,
 et ces Assemblées étoient appellées la Cour du Roy, ou le
 Parlement ; les Grands qui y assisoient furent qualifiés Barons
 du Royaume, & ensuite Pairs du France, les Barons du
 Royaume étoient, les Eveques, les Ducs, les Comtes, en
 une mot, les Grands Vassaux immediates de la Couronne,
 mais comme il étoit malaisé d'examiner a Fonds la plupart
 des Affaires, les Roys commirent de Gens, habiles pour
 les aider, de leur soins, & de leur Conseil, et ces Conseil-
 lers furent appellées Maitres du Parlement. *La Force De-*
script. de la France, Tom. I. p. 204.

is summoned, all the Peers of *France* have Right of Session and Vote as Members of it.

If we were to suppose the Sanhedrim somewhat after this Manner, constantly attending as Judges in more difficult Cases of Law and Appeals, and to assist the Judge as a privy Council on common Occasions; and if we were to consider the Princes of *Israel*, as *Peers* of *Israel*, who had Session and Vote in the national Senate when assembled on extraordinary Occasions of greater Consequence: We should come nearer, I think, to the Truth of the Case than we generally do, from the false Notions of the Sanhedrim, taught in the fabulous Accounts of the *Talmudists*.

Some may imagine the Preamble to the Laws of King *Ina**, will give some light to this Constitution; there is mention of all his *Aldermen*†, and at the same Time of the *elder wise Men*: What may we suppose the Difference between these? As the Alderman appears to be much the same with *Earl*, while that was a Name of Office and chief Government in a County; so the Witan seem to be Men of Learning in the Law, or employ'd in Affairs of State, and so

* Mid Eallum minum Ealdermannum, and tham yldestan Witan minre theod, omnium Senatorum meorum, & natu majorum Sapientum Populi mei. *Ine Leges*.

† Ealderman, Senior, Senator, Princeps, Satrapa, Witword, Witaword, Responso Prudentum. Wita Consiliarius, Sapiens. *Vocab.*

However, this seems clear and evident, that whoever they were who composed the great Council or Senate of the *Hebrew Nation*, under the Stile of Princes or Elders, that there was a Senate to assist the Judge, and by whose Advice he acted in Affairs of Consequence, and which concerned the whole Nation. And this was a second Part of the Union of the Tribes. There was a national Council and Senate, as well as a Congregation of all *Israel*.

Of the JUDGE.

GOD, the Author of the *Hebrew* Polity, having taken care by the Congregation of all *Israel*, and by the Senate of Princes and Elders, for the Preservation of the Liberties of the People, and for the Wisdom of the Administration of Government, takes further care of the executive Powers, that the wise Resolutions which might be taken at any Time, should be brought into due and timely Execution ; and that the Force of the

Of the Civil Government

Nation should be properly employ'd for the Defence and Protection of the whole.

The wisest Nations have ever thought it convenient to lodge these Powers either in one hand, or at least in a few, to prevent the Delays and manifest Inconveniences which would certainly arise from Difference of Sentiments in Persons of *equal* Authority, when Things were to be brought into Execution ; so that almost all Forms of Government have found it necessary to have some Commander in *Chief* for their Armies, and some *first* or principal Magistrate or Magistrates, either hereditary, or for Term of Life or Years, to summon the national Councils, to preside in them, and to see to a due Administration of Justice, according to Law and Equity. Thus the *Lacedæmonians* had their *Kings*, the *Athenians* their *Archons*, the *Carthaginians* their *Suffetes*, the *Romans* their *Consuls*, and the *Hebrews* their *Judges*.

Very little is to be learn'd of the Nature of a Magistracy from its Name, the *Kings* of *Lacedæmon* had no more Authority than the *Consuls* of *Rome* ; and among the *Hebrews* the Words *King* and *Judge* seem to be used promiscuously. For, as *Bertram* observes *, “ the Word King in some Places
“ means

* Regis autem nomine intelligi videtur Gubernator, & Dux quilibet, qualis fuerat Moses, qualis etiam Ioshua, quales denique fuerant Iudices qui postea excitati sunt. *Bert. de Rep. Hebræ.* 104.

“ means only a chief Governor or Captain,
“ such as *Moses*, *Joshua*, and the other Judges.”

Moses is in particular called King of *Jesurun*; Deuteron. xxxiii. 5.
and to judge *Israel* was of the same Import,
and meant the same Authority.

The Title of *King* in the After-times of
the *Hebrew* Government did signify a Ma-
gistracy, different in some Things from the
Magistracy of a *Judge*, yet not in so many
as are usually thought; but the Difference
between these Magistracies is not to our pre-
sent Purpose.

The Magistracy of *Judge*, as it appears in
the ancient *Hebrew* History, and in the Admi-
nistration of *Moses* and *Joshua*, was the true
primitive Constitution of the *Hebrew* Go-
vernment, and which the Wisdom of the
divine Lawgiver had appointed as one prin-
cipal Part of the Union of the Tribes, in the
Power of their Arms, in their national Coun-
cils, and in the Administration of national
Justice.

This Part of the Constitution was very
soon neglected and altered: *There was no* Judges
King or Judge in Israel. The Consequence xix. 1.
of which, was very great Disorders, Civil
Wars among themselves, Invasions from
their Enemies, by whom they were greatly
oppress'd, and they were made to serve their
Heathen Neighbours. This continued more
or less, from a little after the Death of
Joshua and the Elders of his Time, till this

Part of the Constitution was in some Measure restored under *Eli* and *Samuel*; which was soon after changed into the Office and Authority of the After-Kings, when the chief Magistracy became an hereditary Office, and was enlarged with some new Powers; but as that was not the *original* Constitution, it is what our present Enquiry is very little concerned in. We are only concerned to examine how this Magistracy was instituted and exercised by *Moses* and *Joshua*, in whose History alone we can expect to find a true Account of it. Agreeable to this true historical Account, *Conringius* gives a general Description of this Magistracy in *Moses*, That
 “ * with respect to God who reserv’d to him-
 “ self the supreme Authority over the He-
 “ brew Nation, and who was himself pro-
 “ perly King of *Israel*, *Moses* might not
 “ improperly be called his Viceroy. † How-
 “ ever, “ that *Moses* had a Magistracy and an
 “ Authority, tho’ depending in a peculiar
 “ manner on God himself, of consulting,
 “ appointing, commanding, and judging
 “ Controversies in the *Hebrew* Nation, is
 “ evident

* Quam habito respectu ad Deum, qui summam potestatem, sibi in Populo Hebræo servaverat, atque adeo illius Rex erat, haud absurde præregem dixeris. *Conringius de Rep. Hebræa*. 249.

† Cæterum gessisse Moysen Magistratum, habuisseque potestatem, peculiari tamen modo ab ipso Deo dependentem, deliberandi, statuendi, & mandandi, ac de controversiis judicandi in Gente Ebræorum, id ex Historia sacra, quam ipse Moyses scripsit, abunde liquet. *Id. ib.* 250.

“ evident from the sacred History, which
“ *Moses* himself wrote.

We may find a pretty exact Account of the Nature of this high Office in the *Hebrew* Government, in the Appointment of *Joshua* Successor to *Moses*, and the Recognition of his Authority by the People.

As to the Appointment of *Joshua*, Successor to *Moses*, the Lord said unto *Moses*, take thee *Joshua* the Son of Nun, a Man in whom is the Spirit, and lay thine Hand upon him, and set him before *Eleazar* the Priest, and before all the Congregation, and give him a Charge in their Sight; and thou shalt put some of thine Honour upon him, that all the Congregation of the Children of Israel may be obedient; and he shall stand before *Eleazar* the Priest, who shall ask Counsel for him, after the Judgment of Urim before the Lord; at his Word shall they go out, and at his Word they shall come in, both he, and all the Children of Israel with him, even all the Congregation.

Numbers
xxvii. 18,
19, 20.

From this Account, tho' short, we may yet, I think, conclude with sufficient Authority, that this high Office of the Judge of Israel was not to be an hereditary Office; nor did the Policy of *Moses* take one Step to perpetuate this great Magistracy in his Posterity or Family. On the contrary, the History informs us, that *Moses* himself de-

Numbers
xxvii. 15,
16, 17.

fired the Nomination of a Successor before his Death, and consulted the *Oracle* upon it. *And Moses spake unto the Lord, saying, let the Lord, the God of the Spirits of all Flesh, set a Man over the Congregation, which may go out before them, and which may go in before them, and which may lead them out, and which may bring them in, that the Congregation of the Lord be not as Sheep which have no Shepherd.*

It appears then *Moses* could have no Views of leaving this great and powerful Office in the *Hebrew* Government, an hereditary Honour in his own Family, in virtue of any hereditary Claims or Right. It was highly convenient, this important Office should be discharged by Persons of great and eminent Qualifications. A Man, "in whom was " the Spirit of Courage, Prudence, and the " Fear of God, with all other Gifts necessary " in an excellent Governor," says *Bishop Patrick*. And therefore God, by the Voice of his *Oracle*, appoints *Joshua* the Son of *Nun*, of another Family, and even of another Tribe, to be his Successor ; for *Joshua* was of the Tribe of *Ephraim*. Thus this high Office of *Moses*, with all his Authority and with all his Policy, continued in his Family no longer than his own Life.

However, the great Usefulness and Importance of this Magistracy in the *Hebrew* Government, is strongly recommended as a ma-

erial Part of the Constitution, that the Congregation may not be as Sheep without a Shepherd. To go in and out before them, to lead them out, and to bring them in, may mean the Command in War and the Direction of civil Affairs; and it should seem to be understood so, when *Moses* is directed to put some of his Honour on *Joshua*, that all the Congregation of the Children of *Israel* may be obedient. What can be the Meaning of putting some of the Honour of *Moses* on *Joshua*, but what Bishop *Patrick* observes, "communicating some of his Authority to him at present, and making him an Associate in the Government?" Now it is plain that *Moses* judged *Israel* by Authority in Civil Affairs, as well as by the chief Command of their Armies.

It will further however appear, that how great soever the Authority of the Hebrew Judge or *Stadtholder* was, it could not be arbitrary. Greater Matters, as we have seen, were to be proposed to the Congregation and Princes, or Senate of *Israel*; and he was also to consult the Oracle, after the Judgment of *Urim* before the Lord: So that the Judge, as well as the Congregation, were to be directed by the Oracle. The *Rabbins* have form'd a general Maxim from hence, "That no private Person was allow'd to consult the Oracle; none but the King, the Head of the great Sanhedrim, and such

The Authority of the Judge not arbitrary.

“ as were appointed in the Name of all the
 “ People*.”

It is plain the Judge is here directed to stand before the Priest, who shall ask Counsel for him. In this all the Successors of *Moses* were inferior to him. He consulted the *Oracle* himself, but all his Successors were to ask Counsel of the *Oracle* by the High-Priest. So that the Authority of the Judge could not be *arbitrary*, when it was tempered by the Approbation of the *Oracle*, as well as by the Advice and Consent of the Senate and People. This Use of the *Oracle* may give light to some Parts of the *Hebrew* History, which too commonly are mistaken, or not well understood. In particular, this will shew a wise Reason why the *Hebrews* were so often overcome and oppress'd by their Enemies, because they acted rashly, trusting to their own Counsels without asking Counsel of the *Oracle*, or disregarding the Directions given by it, which must be a very criminal Behaviour in this Constitution.

We may yet more distinctly perceive the Nature of this Part of the *Hebrew* Government, if we consider *Joshua's* actual Accession to the Government. Now after the
 Josh. i. 1. *Death of Moses the Servant of the Lord, it came to pass that the Lord spake unto Joshua*

* Quin ad illud in *Misna*, de consulendo hoc Oraculo ; nemini scilicet id licuisse privato, sed Regi, & Synedrio, & ei qui Reipublicæ, id est, q̄i Populi & Universitatis nomine, atque Autoritate ut Legatus consulebat. *Selden de Synedr.* l. iii. c. 12. §. 4. V. I. 1723.

Joshua the Son of Nun, Moses's Minister; and encourages him to take upon him the Command of the *Israelites*, promising *there shall not be any Man able to stand before thee, all the Days of thy Life; as I was with Moses, so I will be with thee, I will not fail thee nor forsake thee.* Thus *Joshua* was in a very solemn Manner confirm'd in his Office by the Voice of the *Oracle*; on this Occa-^{12, 13, 14.} sion he sends for the Tribes of *Reuben, Gad*,^{15.} and the half Tribe of *Manasseh*, who were settled in the Country East of *Jordan*, to direct them to pass with their Brethren over that River, and to assist them in taking Possession of their Portion on the Western Side. Now the Authority they acknowledg'd in *Joshua* as Judge, is thus express'd: *And they answered Joshua, saying, All that thou commandest us, we will do; and whithersoever thou sendest us, we will go. According as we hearkened unto Moses in all Things, so will we hearken unto thee only: the Lord thy God be with thee, as he was with Moses. Whosoever he be that doth rebel against thy Commandment, and will not hearken unto thy Words in all that thou commandest him, he shall be put to Death; only be strong and of a good Courage.*^{16, 17, 18.}

This seems, says Bishop *Patrick*, to be the Voice of all the People, and of their Elders, or a Decree made by the Elders, as the *Jews* understand

understand it. It is most likely, this was a Transaction with the *whole* People of *Israel*, or with the whole Congregation; and so it will be the legal Form, in which they recogniz'd the Authority of *Joshua*. Hence, a contumacious Disobedience to the Commands of the *Judge*, was a capital Offence; for tho' the Judge had not arbitrary Power, but was to act by Advice of the *Oracle*, and Consent of the Princes and Congregation; yet for any private Person, or for any Number of private Persons, to refuse Obedience to the Orders of the Judge, was a Violation of all Order and Government, a kind of Mutiny and *Desertion*, which in all wise Governments have always been punished as capital Crimes.

The Authority then of the Judge was very great. As a General in War, he had the chief Command of the Army; As the chief civil Magistrate, he summoned the Senate, and the Congregation of the People, proposed the publick Affairs unto them, as a first Senatorian Magistrate; and acted in all Things as *Viceroy*, or *Stadtholder* of *Jehovah* the King of *Israel*. He had that Authority in War, as General, and in publick Affairs of State, presiding in their Councils, and executing their Resolutions, that the executive Power of the Government was principally lodged in his Hands.

Thus

Thus the Scriptures themselves represent this Office to us. It must be very unfair to impute to this Institution any Faults whatsoever, which are owing solely to a Corruption or Alteration of it: Whether under the Judges, soon after *Joshua*, to the Election of *Saul*, or from thence during the Government under the Kings. It would be too long to shew in particular, wherein those Governments departed from the original Constitution; it may be sufficient to make one general Remark: That what the *Hebrew* Nation suffered for omitting this Part of their Constitution, taught them the Necessity of reviving it in some Form or other; and what they suffered afterwards plainly shewed that the Alterations made in this Office, were very far from Amendments. It might easily be made to appear, from the weak State of the *Hebrews* under occasional Judges, rais'd only for a Time, and whose Authority reach'd but a Part of the Nation, and from the fatal Rent of the Kingdom of *Israel*, from the Kingdom of *Judah*, owing to the Resolution of *Rehoboam*, to follow the Councils of private Men and Favourites, against the national Council and Congregation; who well understood their own Power, tho' he was so weak as not to know it, or so obstinate as not to regard it.

I shall

I shall leave this Part of the *Hebrew* Constitution, with a short Summary of the Nature of this Office, in the Words of the very learned *Calmet*. “ It (the Authority of the Judges) “ reach’d both to Affairs of War “ and Peace. They determin’d Causes with “ absolute Authority, but they had no Power to make new Laws or impose new “ Taxes on the People. They were Protectors of the Law, Defenders of Religion, “ Avengers of Crimes, especially of Idolatry ; “ yet still without Shew, without Pomp, “ without Followers, without Equipage, unless their own Estates enabled them to have “ a Number of Servants conformable to their “ Dignity*.” But this could seldom happen ; for, as our Author further observes, “ The Revenues of their Office consisted in “ the Presents that were made to them ; they “ had no other settled Revenue, nor did they “ raise any thing from the People.”

Here then was a Magistrate of great Service in uniting the Councils and Forces of the *Hebrew* Nation ; and what may deserve a particular Reflection, a Magistrate of such Authority as was sufficient to prevent any ambitious Designs of any other Magistrates, how great or powerful soever, from taking Place, whether of the *Princes* of the Tribes, or of any of the more powerful *Tribes*, or of the *High-Priest*, whatever you will suppose

* *Calmet* Dict. V. Judges.

pose their Authority to be. For the chief Authority both in Affairs of War and Peace being lodged in his Hands, all other Persons were under obligations of Obedience to him, and contumacious Disobedience to him was a capital Crime by the Constitution ; and as he had the chief Command of all *Israel* as an Army, what ambitious Views could be put in Execution without a general Revolt of all the Tribes, hardly possible when the Tribes were under the Command of different Princes, who could have no common Interests or Ambition to unite them, but must rather have opposite Interests and Ambition, unless they should be united in Preservation of the Constitution and the common national Liberty, if the Judge should attempt to stretch his Power and Authority beyond its legal Bounds set to it by the Constitution.

Yet, on the other hand, this Constitution has taken the utmost Care, and with all the Marks of political Wisdom, that the Judge should not have it in his Power to stretch his Authority beyond its legal Bounds ; for his Authority was temper'd by the *Oracle*, and by the Advice and Consent of the *Hebrew Senate* and *People*. He had no Power to alter or change any Laws, nor to make any new one as occasion might offer to strengthen his Interest, or to repeal any old Law that might stand in his Way. The very Persons who had the Rank of his Counsellors,

sellors, were Commanders of the Hosts of *Israel*; and the whole Army of *Israel* consisted of none but the Free-holders of *Israel*. There was no such thing as a *Soldiery*, either of Men or Officers, who were listed *en solde*, or for Pay; nor had the Judge any thing to pay them with, if there had been any to be hired: For no *Israelite* could increase his Estate by the Constitution, in virtue of the universal and perpetual *Agrarian Law*; and no Man could make a great Estate any other way, in a Country where there was no foreign Trade, and where Interest of Money, if any one could be supposed to have much, was most strictly prohibited by Law; and when, finally, he could not, on any Pretence whatsoever, raise Money by a Tax on the People. For the People were liable to no Taxes, but what they paid by the original Constitution to the Temple and *Levites*; which was the whole publick Revenue, and Civil List of the *Hebrew Government*.

But these Reflections will deserve a more particular Consideration in another Place.

C H A P.

C H A P. XI.

Of the ORACLE.

THERE remains one Consideration more of very great Consequence, to a right Understanding of the *Hebrew Government*. In other Governments their Civil Polity consisted only in an Assembly of the People, a Senate with some chief Magistrate or Magistrates. The *Greeks* and *Romans* were used indeed, on more extraordinary Occasions, to consult their *Oracles*; and they accounted it very wise and prudent to undertake all great Affairs *auspicato* or *augurato*, with the Approbation of the Gods. Their *Auspices* and *Augurs* were Officers of State, of Reputation and Credit, tho' these wise and polite Nations were so far misled by their Idolatry, as to consult what the Events of Things would be by the most silly and ridiculous Superstitions; by the *flying* of Birds, the *pecking* of Chickens, or the *Entrails* of the Beasts to be sacrificed. But none of these Governments placed the Sovereignty in the Gods, whose *Oracles* they consulted; generally they had not the Honour of being the *tutelar* Gods of the particular Cities which consulted them. Such were the celebrated *Oracles* of *Apollo* at *Delphi*, and of *Jupiter Hammon* in *Libya*. But the
Hebrew

Hebrew Government placed the *Majestas Imperii*, the Sovereignty as King, in *Jehovah*. *Jehovah* the one true God was not only their God, and as such the only Object of their Religion and Worship, but he was the *King of Israel*, and so the proper political Head of that Nation. And thus, as has been observed, this Government is very properly called by *Josèphus* and others, a *Theocracy*; or, according to *Conringius*, “The *summa Poteſtas*, or sovereign Authority, consists chiefly in three Things, in making Laws, declaring War, and appointing Magistrates; the supreme Direction of all which were placed by the Hebrew Constitution in *Jehovah* himself*.”

It is manifest, to use the Words of the same Author, that God reserved to himself the Power of making Laws. The Law of the ten Commands was thus enacted, *And God spake all these Words, saying, I am the Lord thy God, which have brought thee out of the Land of Egypt, out of the House of Bondage*. These Laws are given the Hebrew Nation by *Jehovah*, not as the Maker of Heaven and Earth, but as their King, who had delivered them out of *Egyptian* Bondage.

Ex. xx.
1, 2.

In

* *Tria adeo fuerunt, in quibus summa potestas quantum nimirum in Politicis observare possumus, quam maxime est conspicua, Leges condere, Bellum indicere, Magistratus Judiciaque constituere; porro horum omnium in Republica Ebraeorum, penes ipsum Deum Arbitrium fuit. Conringius de Rep. Ebrae. §. vii. 240.*

In like manner, God publishes also the *Judgments*, the political or judicial Laws. *And the Lord said unto Moses, thus shalt thou* ^{Exodus} *say unto the Children of Israel.* This is a ^{xx. 22.} Preamble to the following judicial Laws from *Jehovab* to *Moses*, and by him to the Hebrew Nation. *Now these are the Judg-* ^{xxi. 1,} *ments which thou shalt set before them.* This Authority of making Laws was so fully and intirely reserved to *Jehovab* himself, as King of *Israel*, that no Power was allowed to any Magistrate or Court of *Israel*, either to make a new Law, or to repeal an old one. It was not allowed to the *Hig-* ^{Deut. iv,} *Priest*, the *Judge*, the *Senate*, the *Congre-* ^{1, 2.} *gation* assembled in full Parliament, much ^{xii 32,} less was such Power lodged in the Hands of either of them separately, as has been observed before, and as appears to be a fundamental Law of the Constitution.

Jehovab moreover as King of *Israel*, commanded their Armies. The Tabernacle in the Camp was the Tent of *Jehovab*, as their General, *that thy Cloud, says Moses,* ^{Numbers} *standeth over them; and that thou goest before* ^{xiv. 14.} *them by Day-time in a Pillar of a Cloud, and in a Pillar of Fire by Night.* This Glory, or *Schechinah*, gave Orders for their marching or continuing in their Camp: *For* ^{ix 17, 18} *when the Cloud was taken up from the Tabernacle, then after that the Children of Israel journeyed, and in the Place where the Cloud abode, there the Children of Is-*
O rael

Numb. x.
35. 36.

xiv. 41, 42.

rael pitched their Tents; at the Commandment of Jehovah the Children of Israel journeyed, and at the Commandment of Jehovah they pitched. Hence we see the Propriety and Beauty of those Expressions of Moses, *And it came to pass when the Ark set forward, that Moses said, Rise up LORD, and let thine Enemies be scattered, and let them that hate thee flee before thee; and when it rested he said, Return, O LORD, unto the many Thousands of Israel.* It was therefore a great Presumption for the Army to march without this Direction, especially against it. Moses on such an Occasion thus justly exostulates: *And Moses said, Wherefore now do ye transgress the Commandment of the Lord, but it shall not prosper? Go not up, for the Lord is not among you, that ye be not smitten before your Enemies.* This Observation alone is a satisfactory Reason why the Hebrews were often smitten before their Enemies, tho' Jehovah was their King and General. A Circumstance some have represented, I would hope thro' Ignorance of the true Reason, as an unanswerable Objection to this great Privilege of the Hebrew Nation, that God was their King and Governor.

To give but one Instance more, the Directions for the Siege of Jericho, and the Manner of taking it at last, which are so largely related in the History of Joshua, are

a full Evidence how far the *Oracle* or *WORD* of *Jehovah* directed their military Affairs.

Finally, the Constitution of their Judges, superior and inferior, and the *Cognizance* of many Causes, some in the first Instance, and others on Appeal, are another Branch of the Sovereignty of *Jehovah* as King of *Israel*. The Use of the *Oracle* in deciding difficult Cases in Law, is the more observable as it serves to explain the Constitution, with respect to Appeals. The *Oracle* thus decided ^{Numb.ix.} the Question, how Persons defiled by a dead ^{8, 9.} Body, were to keep the Passover. Thus also ^{xx. 7.} the *Oracle* determined the Question of Female-Heiresses, in the Case of the Daughters of *Zelophehad*. And thus it was the *Oracle* or *WORD* of *Jehovah*, which declar'd ^{xv.34,35.} the Punishment of breaking the Sabbath. Hence the last Resort in Causes judiciary of greater Moment and Difficulty was in the *Oracle*, not in the private Opinion of the *High-Priest* alone, or of the *Judge* alone, or of both jointly with the *Senate*, unless they were fully agreed: If a Difficulty arose, the last Appeal was to the *Oracle*; in the Answer of which, the *High-Priest* did not give his private Judgment, but the *Oracle* itself gave final Judgment in the Case.

But how, you will say, was this *Oracle* ^{How the} given, which was of so high Authority in ^{Oracle} the *Hebrew* Constitution? Was not this *Oracle*, after all, the *High-Priest*, who was to consult and report? Had he not an Opportunity ^{was given.}

tunity either of making or reporting *Oracles* in such manner, that a skilful Man had great Advantages, and might draw to himself and the Church the greatest Authority, if not the whole Power of the Nation by it? So some Persons would teach you to reason, with a Design you should conclude, that the whole *Hebrew* Constitution was a Trick of worldly Policy in *Moses*, to invade the Liberties of the *Hebrew* Nation, to draw the Power and Riches of it into his own Family, and to share it among the Priesthood.

How wise, and sagacious, are such Conjectures as these? When, if the High-Priest had such Opportunities by his Office of consulting the *Oracle*, as are suggested, would it not have greatly affected the Power and Authority of the *Judge*, that is, of *Moses* and his own Office, and have barred his own Posterity for ever from any share in it: For his own Posterity could not rise so much as to the Honour of a Priest, much less to the Dignity and Authority of an High-Priest, whatever that might be. And would not *Moses* have been an admirable Politician indeed, if he had any Views of the Greatness of his own Family, by one Constitution to throw the Riches and Authority of the Nation into the Hands of the Priesthood, and by another Constitution to bar his own Posterity of the Priesthood, and thereby of all Share in the Riches or Power belonging to it?

it? But, to leave these Reflections, let it be consider'd how this *Oracle* was given, what Concern the High Priest had in it, and it will be sufficient to shew how groundless such Objections are, and with what Wisdom the *Oracle* was made so important a Part of the National Constitution.

To understand aright how the *Oracle* was given, it will be necessary to observe, it was given in two very different Manners; in one of which it is proper you should observe, the High-Priest could have no Share at all. This was by a *Voice* from the Glory or *Schechinah* directly and immediately, without being consulted at all; it was the *Schechinah* gave the Law on Mount Sinai, *And God spake all these Words, saying.* But then the *Oracle* was given in such awful Manner, as greatly affrighted the People; *And all the People saw the Thunderings and the Lightnings, and the Noise of the Trumpet, and the Mountain smoaking; and when they saw it, they removed, and stood afar off; and they said unto Moses, speak thou with us, and we will hear; but let not God speak with us, lest we die.* In this Case the *Oracle* was heard by the whole Hebrew Nation, and its Voice was attended with that awful Solemnity as silenced all Suspicion of Priestcraft, and gave such Credit and Authority to *Moses*, that it was the unanimous Desire and Request of the whole People, that they might receive the other Laws to be given

by the *Oracle* from *Moses*, who was to receive the Commands of God from the *Oracle*, and publish them to the People.

It was at this Time, and in this Manner, the *Oracle* enacted all the Laws of the *Hebrew* Government, at a time when the whole *Hebrew* Nation had so many, so plain, so great Instances of the Presence of *Jehovah* with them, and of the Authority of *Moses* to publish the Will of God to them, that they could have no reasonable Doubt or Suspicion concerning their Laws, or whether they were really given by his *Oracle*.

It has been observed, that these Laws were the whole Constitution of the *Hebrew* Government; that they were so sacred that neither were any of them to be repealed, nor were any new Laws to be added to them. Thus *Jehovah*, as Law-giver, gave his Law, by his *Oracle*, in such Manner as the High-Priest had no Concern in it at all; and therefore, most certainly, could make no Advantage of it.

And hence too it is observable, that when the High Priest did consult the *Oracle*, he had no Opportunity of making any new Law, or of repealing any Law already made; for the *Oracle* itself had previously forbid it, by a fundamental Law of the Constitution.

*How the
High-
Priest con-
sulted the
Oracle,*

What was it then that the Law intended by directing the High-Priest to consult the *Oracle*, or to ask Counsel by *Urim* before the

the Lord? which was the second Manner in which the Oracle was given. Let the Direction itself inform us.

When *Joshua* was appointed Successor to *Moses*, it is directed, *And he shall stand before Eleazar the Priest, who shall ask Counsel for him after the Judgment of Urim before the Lord; at his Word shall they go out, and at his Word shall they come in, both he, and all the Children of Israel with him, even all the Congregation.* It is not material to our Enquiry, what the *Urim* and *Tummim* were. It is sufficient to know they were something in the Breast-plate of Judgment, a Part of the rich Garments of the High-Priest. So the Law, *And thou shalt put in the Breast-plate of Judgment the Urim and the Tummim, and they shall be upon Aaron's Heart when he goeth in before the Lord.* The High-Priest was to wear the *Urim*, in the Breast-plate; but as a learned Author * observes, "the Judge commands him to put it on, "the Judge asks Counsel, not the High-Priest;" (he means not of his own Motion, and for himself, but at Direction of the Judge, and in his Name) "nor does the High-Priest answer. He answers by the
O 4 "Urim,

Numbers
xxvii. 21.

Ex. xxviii,
30.

* Jubet Imperator apponere, consulit Imperator, non consulit Pontifex; nec respondet Pontifex, respondet per fulgorem Urim, vel quod rectius Deus ipse per Urim. *Houtuyn Monarchia Hebræor.* p. 53.

“ Urim, or more properly God himself answers by the Urim.”

The Direction of the Law itself, that *Joshua* should stand before *Eleazar* the Priest, who shall ask Counsel for him after the Judgment of *Urim* before the Lord, seems very plainly to intimate, that the Judge, and in like manner, whoever it was for whom the High-Priest asked Counsel by *Urim*, was present with the High-Priest when he consulted the Oracle: for the Person for whom the High-Priest consulted was to stand before the High-Priest, as the High-Priest was to stand before the Lord; that is, as the *Hebrew* Expression to stand before the Lord signifies, they were both of them in Presence of the Oracle. So that the Account which the *Talmudists* give of the Manner of consulting the Oracle, seems agreeable to the Truth of History, and in this Instance to be taken from it: “ That
 “ the High-Priest stood with his Face towards
 “ the Ark, the Person who consulted the
 “ Oracle stood at his Back, and said, Shall I
 “ do this Thing, or shall I not do it *?” And *Josephus* observes from this Circumstance,
 “ That as it was lawful for any Person who
 “ thought fit to be present when the Oracle
 “ was consulted, that was sufficient to remove all Suspicion of Imposture from the
 “ Minds of all those who consulted it, and to
 “ give

* Modus hoc Oraculum consulendi hic erat, Pontifex Arcam versus faciem inflexit. Ille qui Oraculum consuluit ei a tergo stetit, dixitque, faciam hoc aut non faciam? *Ordo Lexicon Rabbinicum Voc. Urim.*

“ give Satisfaction to Strangers, as well as
“ *Hebrews* *.”

The Manner in which the Oracle gave its ^{How the} Answer, might very easily be understood, if ^{Answer of} we would keep ourselves to the ^{the Oracle} Hebrew Hi-^{was given.} story. It is ever mentioned in Scripture, to be by a Voice, and in audible Words: When the Law of the ten Commands was given, it is said, *God spake all these Words, saying.* In the After-Laws the common Phrase is, *The Lord spake, saying; or, asking Counsel at the Mouth of the Lord.* There is one Description of the Manner in which the Oracle gave its Answer so clear and so express, that it should seem to want no other Explanation; and that no Question could well remain, concerning the Manner of it. *And when Moses was gone into the Tabernacle of the Congregation to speak with him,* (that is, to consult God by his Oracle) *then he heard the Voice of one speaking unto him from off the Mercy-Seat that was upon the Ark of Testimony from between the Cherubims, and he spake unto him.* When Moses again consulted the Oracle, how the Passover should be kept by those who had been

Ex. xx. 1.

Numbers vii. 89.

* Ουδαῖοι γὰρ προφητῶν κακουργίαις κατελόντων ἀφορμῶν. ἡ δὲ τις τοιοῦτοι γινόντο παρὰ τὴν τῶν θεῶν ἀξίωματι αὐτοκρατορῶν διὰ τοῦ θεοῦ παρατυγχάνει τῶν ἱερῶν κατελόντων ὅσοι διὰ τὴν ἐκείνων καὶ τούτῳ οὐκ ἑβραῖοις ἀλλὰ ἡμεῖς μόνον ἐδίδομεν, ἀλλὰ καὶ τῶν ἑλλήνων τοῖς παρατυγχάνουσιν. Nam ea Vestis, omnem sub Prophetiae praetextu imposturarum occasionem, ademit his, qui illo utebantur, liberumque Deo vel adesse Sacerdotibus vel non, omnibus & popularibus, demonstravit, & extaris si qui forte huic spectaculo intervenirent. So the Interpreter of Josephus. Josephus Antiq. l. 3. c. 10. p. m. 89.



Numbers
ix. 9.

been defiled by a dead Body, the Answer of the Oracle is thus express'd, *And the Lord spake unto Moses, saying.*

Judges i. 1.

The same Form of Expression was used when the Oracle was consulted after the Death of *Joshua*; *Then Israel asked the Lord, saying, Who shall go up for us against the Canaanites first, to fight against them?* The Answer of the Oracle was returned after this Manner: *And Jehovah said, Judah shall go up, behold I have delivered the Land into his hand.* There is moreover an Answer of the Oracle to *David*, so distinct, and of such length, that there seems no Room left to imagine any other Way of Answer, than by a Voice, and audible Words: *When David enquired of the Lord, he said, Thou shalt not go up, but fetch a Compass behind them, and come upon them over against the Mulberry Trees, and let it be when thou hearest the Sound of a Going in the Top of the Mulberry Trees, that then thou shalt bestir thyself: for then shall the Lord go out before thee, to smite the Host of the Philistines.*

2 Sam. v.
23, 24.

Hence it may appear, that the common Account of the *Talmudists*, that the Oracle gave its Answer by some inconceivable Shining or Protuberance of the Letters engrav'd on the Jewels of the High-Priest's Breast-plate, is as contrary to Scripture, as it is ridiculous and incredible in itself; it is indeed so next to impossible, that our judicious *Spencer* very truly

truly said of it, " It is a *Talmudical* Camel,
" that no one that is in his Wits can ever
" swallow." A Censure Dr. *Prideaux** quotes
with Approbation.

Let us then learn how the *Oracle*, when
consulted, gave its Answer, from that learned
Author †. " None other (besides *Moses*)
" was admitted to ask Counsel of God, but
" through the Mediation of the High-Priest,
" who in his stead asked Counsel for him
" by Urim and Thummim, that is, by pre-
" senting himself with the Breast-plate on
" over all his other Robes before the Veil,
" exactly over-against the Mercy-Seat, where
" the Divine Presence rested; and when he
" thus presented himself in due manner, ac-
" cording to the Prescription of the divine
" Law, God gave him an Answer in the
" same Manner as he did unto *Moses*, that is,
" by an audible Voice from the Mercy-Seat.
" And for this Reason it is, that the
" Holy of Holies, the Place where the Ark
" and the Mercy-Seat stood, from whence
" this Answer was given, is so often in Scrip-
" ture called the *Oracle*; because from thence
" the divine Oracles of God were uttered
" forth to those that asked Counsel of him."

In this *Oracle* then, we see a considerable
Part of the *Hebrew* Constitution to direct the
Counsels of the united Tribes, the political
Wisdom of which is seldom remarked in the
Civil

* *Prideaux* Connect. V. I. 155.

† *Id. ib.* 156.

Civil Government of that Nation. There was a Congregation of all *Israel*, or Assembly of the People, that all Things might be done with general Consent; there was a Senate of wise and able Persons, to prepare Things by previous Deliberation and Consultation, that Things might not be concluded rashly in a popular Assembly, before they were maturely considered and examined by Men of Wisdom and Experience; there was a Judge to assemble the States-General on proper Occasions, to preside in their Assemblies, and to command the Armies of the united Provinces, and to see the National Resolutions duly executed. And finally, here was an *Oracle*, which was to be consulted by the High-Priest on great Occasions, that no rash Resolutions of the People, Senate, or Judge, might be brought into Execution, in Cases of Moment and Difficulty; but they were to ask Counsel of God, or to obtain the Royal Assent of *Jehovah* as King of *Israel*, by his Oracle.

This was a wise Provision, to preserve a continual Sense in the *Hebrew* Nation of the principal Design of their Constitution, to keep them from Idolatry, and to the Worship of the one true God, as their immediate Protector; and that their Security and Prosperity depended upon adhering to his Counsels and Commands. It was a further wise Provision to restrain all Ambition and all Rashness,
either

either of *Judge*, *Senate*, or *People*, and yet at the same Time it gave no dangerous Authority to the High-Priest over either of them, for he was to ask Counsel of the *Oracle*, not of his own Head, or for himself; but, as he was directed, by the Judge or some other Magistrate, for whom he was to ask Counsel; the High-Priest being to ask Counsel only on such Questions, and to consult only on such Matters as he was directed to by the Persons consulting, and who were present with the High-Priest when he asked Counsel; and who likely, as was before observ'd, put the Questions themselves: The High-Priest then could publish no false Oracles in his own Favour, or in Favour of the Priesthood, to enlarge their Power, or increase their Riches; both which, by the way, were made impossible by the Constitution, even for the Authority of the *Oracle*. And further, the Judge, the Senate, or the People, must themselves have prepared such a Question for the High-Priest to have put to the *Oracle*; for even an *Oracle* cannot answer a Question that is never asked. When then whatever was asked of the *Oracle*, was first considered and resolved upon by the *Judge*, *Senate*, or *People*, the Question to be proposed by the High-Priest must be previously pass'd by their Advice and Consent: So that the High-Priest in this Case was so far from having a dangerous Power put into his Hands,
of

of imposing upon the Judge, Senate, or People, by false Oracles, or forged Revelations in his own Favour, against the Liberties of the Nation or the Government, that he could not put any Question to the *Oracle*, but what was previously resolved upon, and put into his Hands by those very Persons whom he is very ignorantly or very unjustly supposed by this Constitution enabled to impose upon. This is a Supposition as groundless and unreasonable, with what Confidence soever it is asserted, as to suppose, that when our Acts of *Parliament* have pass'd both Houses, and are offered to the Royal Assent, the Person who presents them to the King, or returns the King's Answer, has a Power of forging what Laws and imposing on the Nation what Acts of Parliament he pleases.

A modern Author *, for what Reasons I say not, has most unaccountably misrepresented the true Case of this *Oracle*. " The *Oracle*, the dernier Resort, he says, was " the Voice of the High-Priest, who when he " was cloathed in his *Pontificalibus*, it was " presumed he could neither be mistaken " himself, nor impose upon others; or that " on these Occasions, he was both infallible " and impeccable; or that his Voice or oracular Decision, was the undoubted organized Voice of God. He might alter, he adds, his natural Tone, Air, and " Action, to humour the Conceit, that he

* Moral Philos. Vol. I. 272;

“ he was under a supernatural divine Impression.”

Where, think you, could our Author find such an Account of the *Oracle*? In the whole of which there is not one Circumstance of Truth, every Part of it is not only groundless, but directly contrary to the Description, and Use of it, in the *Hebrew History*. The *Oracle*, the dernier Resort, he says, was the *Voice of the Priest*. Who, I beseech you, told him so? The whole History is positive the *Oracle* was the Voice of *Jehovah* to the High-Priest, or rather to the Person who asked Counsel of the *Oracle* by the High-Priest. The utmost that can ever be supposed of the Voice of the High-Priest, is, that the High-Priest *reported* what he heard from the *Oracle*. But whoever examines with due Attention the Manner in which the *Oracle* gave its Answers, will have great Reason to *question at least*, whether the High-Priest did so much at report the *Oracle*? We have seen that the Person who consulted the *Oracle* by the High-Priest, stood before the High-Priest when he stood before the Lord; that is, they were together in the Presence, when the *Oracle* was consulted. We have seen that the *Oracle* was a distinct audible Voice from the Presence, which therefore it is most highly probable, the Person who asked Counsel heard plainly and distinctly himself: For our Author, I
pre-

presume, will not deny that a *Lay-Man* may have as good Ears as a *Priest*; What Need then for the High-Priest to report an Oracle to one who had heard it himself?

As the Person who consulted was with the High-Priest in the Presence, and the Voice of the Oracle must have been loud enough to be heard from the Holy of Holies; for the High-Priest did not consult in the Holy of Holies, it being unlawful for him to enter into that most holy Place above once a Year; what Doubt can there be whether a Person who was with the High-Priest, tho' somewhat behind him, might hear such a Voice, as well as the High-Priest himself?

“ When the High-Priest, he says, was
 “ clothed in his *Pontificalibus*, it was pre-
 “ sumed, he could be neither mistaken in
 “ himself, nor impose upon others; or that
 “ on these Occasions, he was both absolutely
 “ *infallible*, and *impeccable*; or that his Voice,
 “ or oracular Decision, was the undoubted
 “ and *organized Voice of God*?” But who
 are they who thus presume? Whoever they
 are, they presume much more than becomes
 them. These are Presumptions not only
 without all Foundation of Reason, but against
 the plainest and the strongest Evidence to the
 contrary.

The High-Priest is never once presum'd to be so perfect a Man, that he could be neither mistaken himself, nor impose upon others, nor was there the least Need he should be

either infallible or impeccable on these Occasions: For in truth, in consulting the *Oracle*, the Answer no ways depended upon any personal Abilities of the High-Priest: If he had Understanding enough to ask a Question, which was put into his Hands by others to ask, if he had Sense enough to report an Answer, it was as much as was needful for any Part he had in asking Counsel of the *Oracle*. Who ever presumed the Clerk of the Crown, or Clerk of Parliament infallible or impeccable, because one reads the Titles of the Bills offered to the Royal Assent, and the other, according to Instructions from the King, pronounces the Royal Assent?

Every Circumstance then of his Account appears to be his own groundless Presumption, manifestly contrary to the whole Account the *Hebrew* History gives of it. The Reader perhaps will observe the *Morality* of falsifying so many Facts, in order to find an Occasion to reflect on one Part of the *Hebrew* Constitution.

The High-Priest, he adds, might alter *his natural Tone, Air, and Action*; but, I pray, for what End or Purpose should he go about to do either? Why, to *humour*, our Author says, the Conceit that he was under a supernatural and divine Impression. What! must the High-Priest take so much Pains to humour a Conceit, which no Man could have from the Constitution? This is another of

P

our

our Author's own Conceits, and full out as groundless as the rest.

The High-Priest was never understood to be under any *supernatural* or divine Impression. It is possible, our Author might take his Conceit from the *Sibylline Oracles*, and mistook the Description of an Heathen Poet for *Hebrew History*.

Struggling in vain, impatient of her Load,
And labouring underneath the pond'rous God,
The more she strove to shake him from her Breast,
With more, and far superior Force he press'd,
Commands his Entrance, and without Controul,
Usurps her Organs, and inspires her Soul *

Thus *Virgil* beautifully describes the *Oracle* of the *Sibyl*, according to the Heathen Notions; but the *Hebrew Oracle* was not so; far different is the Account of it in the *Hebrew History*; God is no where represented as usurping the Organs, or inspiring the Soul of the High-Priest. The High-Priest only asks a Question, before the Presence; over the Mercy-seat, and receives an Answer from thence in a plain audible Voice.

Our Author † has another Presumption, in which however he may have been misled by the fabulous Chronology of the *Egyptians*:
“ While this People (the *Jews*, he says) were
“ in *Egypt*, they had been much amazed
“ and surpris'd with the infallible Declara-
“ tions

* Virg. *Æn.* Dryden, l. vi. 120.

† Moral Philos. Vol. I. 268.

“ tions and Decisions of *Jupiter-Hammon*.” This Presumption is intended to introduce another Conceit, that the *Oracle of Jehovah* was an Imitation of the *Oracle of Jupiter-Hammon*; but it happens in fact untowardly for both Conceits, that *Jupiter-Hammon* was not born till above four hundred Years after the *Jews* came out of *Egypt*. The true Chronology of *Egypt*, restored by the illustrious Sir *Isaac Newton* *, places *Hammon* King of *Egypt* about one thousand and thirty-four Years before the Birth of Christ; that is, in the times of *David*, above four hundred and fifty Years after the Law of *Moses*.

You may further see the Judgment of that illustrious Author†, concerning the Original of Heathen Oracles. “ The Year before Christ 1002, *Sesac* reigns in *Egypt*; he erected Temples and Oracles to his Father, in *Thebes*, *Ammonia*, and *Æthiopia*, and thereby caused his Father to be worshipped as a God in those Countries; and, I think also, in *Arabia Felix*. And this was the Original of the Worship of *Jupiter Ammon*, and the first mention of *Oracles* I meet with in profane History.” And elsewhere he supposes, “ The *Greeks* in their *Oracles* imitated the *Egyptians*; for the *Oracle of Dodona* was the oldest in *Greece*, and was set up by an *Egyptian* Woman,

P 2

“ after

* Sir Isaac Newton's short Chronicle.

† Herod II. Newton. Empire of Egypt, 207.

“ after the Example of the Oracle of *Jupiter Ammon*, at *Thebes*.” It is true, this Error of our Author is only an Error in Chronology; but as it is an Error, all Presumption, and Conceits founded upon it, must be erroneous too, and should teach his Readers caution never to take his bare Word without very sufficient Vouchers.

Upon this Plan of the *Hebrew* Government, taken from the Laws and History of the *Hebrews* themselves, a few easy Reflections will lay a Foundation to answer the Objections with so much Assurance made to the Equity and Wisdom of it. They will appear to be founded on gross Ignorance of the Constitution itself, or on a very unfair or false Representation of it. It is a shrewd Sign of a very bad Cause, that it stands in need of so much Falshood and Forgery to support it.

CHAP.

C H A P. XII.

That the Constitution of the Hebrew Government was a standing Confutation of Idolatry in a visible Protection of the Hebrew Nation, giving it Possession of the Lands of the idolatrous Canaanites, shewing God's immediate Hand in particular Providence; and that God had not left the Government of the World in the Hands of Dæmons, or inferior Beings, whom the idolatrous World worshipped as Gods; proving Jehovah the one true God superior to all the Gods in which the idolatrous Nations trusted: That it was very fit to punish the idolatrous Canaanites by the Hebrews, as a Nation owning the one true God; and finally, that a Toleration of Idolatry in the Holy Land, was absolutely inconsistent

P 3

with

*Of the Civil Government
with the principal Designs and
wise Intentions of the Constitution.*

THE particular Wisdom of every Constitution, is to be learn'd from the particular Design and *Intention* of it; the *Hebrew* Government was not a meer *Civil* Polity, in which Care was taken only of the Civil Liberty, Peace and Prosperity of the Nation. One principal Intention of this Government, as we have already seen, was to put a stop to the swift Progress of *Idolatry*, which had well nigh overspread all the World, and to which the *Hebrew* Nation was very much inclined. Idolatry was an Evil of such Nature, as not only greatly weaken'd all Principles of Religion and Virtue, but greatly encouraged and recommended all manner of Vice and Wickedness in *Principles* and *Practice*. It taught Men to imitate the Gods, they worship'd, in the worst Crimes of Intemperance, Lasciviousness, and Sins against Nature, and hallowed Murder as one of the most sacred Rites of religious Worship, teaching no Sacrifices were so acceptable to the Gods as human. It was a Design then worthy the Wisdom and the Goodness of the great Governor of the World, to find out some proper way to stop this spreading Evil, and to preserve as the great Blessings of the World the Knowledge of the one only true God, and of the Obedience due to him, the only true Religion, the

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best

best Principles of Virtue and of moral Goodness, of the Peace, Order and Happiness of Society, as well as of the Prosperity and Happiness of private Persons.

This we have seen was the first Intention of this Constitution, and in order to it, one main Design which runs thro' the whole of it, is to keep the *Hebrew* Nation a distinct People, separate from all idolatrous Nations, and idolatrous Customs, so far as any Part of this Constitution answers this Design, so far the Wisdom of it will appear, either as necessary or useful to promote the general Intention of the whole Constitution.

If we consider the Parts of the *Hebrew* Constitution in this View, how many *Objections* to the Wisdom or Goodness of them will immediately disappear?

How many *Cavils* are there raised against the Laws, which forbid idolatrous Customs and Usages? when nothing sure could be more reasonable or wise, than to prohibit all such idolatrous Customs in a Constitution, the principal Design of which was to prevent *Idolatry*. Consider the whole Constitution in the same View, as a standing Confutation of Idolatry, and it will equally and as plainly shew the Wisdom and the Goodness of it.

Here is then a Constitution founded on the Authority of *Jehovah*. He is the sole Lawgiver of that Nation, he forms all the Parts of their Constitution, he condescends

himself to become their King and chief Governor, on their receiving him as the only true God, and putting themselves solely under his Protection, renouncing all *Demon* Protectors and Trust in Idols. *Jehovah* promises them a pleasant Land to inhabit, he brings them into that promised Land, and settles them in it; they hold it of *Jehovah*, as his Gift; he drives out the *Canaanites* before them for their abominable Wickedness, the Fruits in great measure of their Idolatry; he blesses this Nation in the Land he gave them with Liberty, Plenty, Peace and Prosperity, as they keep his Covenant; but when they break it, he permits their Enemies to afflict and oppress them. Thus a Nation is set up to the View of the World small in itself, and weak in comparison of the great and powerful Empires which arose in its Neighbourhood. The *Egyptians*, *Assyrians*, *Babylonians*, *Medes*, *Persians*, and *Greeks*, all rose, and all fell one after another; when this little Kingdom, tho' surrounded every way by them, saw them rise, and outlived their Fall. They suffered, indeed, sometimes severely, for their Corruption of the original Constitution of their Government and Religion; yet still they continued their *distinct* Government, Laws and Religion for above *fourteen* hundred Years; a much longer time than any known Empire or Kingdom of the World, if we set aside the fabulous Stories of the *Assyrian*

fyrian and *Egyptian* Empires, and keep to historical Truth. This Nation was moreover placed in such a Situation, as to be known to all the great Empires of the World, attempted by them all, and yet protected against them all, by the Power of *Jehovah* as the only true God, often with visible Marks of his immediate Protection and most wonderful Works of his Power.

This standing Example of Providence struck at the very Foundations of Idolatry and idolatrous Worship, and to all who would observe it was sufficient to shew how weak and false all Trusts in the Idols of the Heathens were. Hebrew Government a Confutation of the Principles of Idolatry.

The World might see in this constant Example of the *Hebrew* Nation, it was a groundless and false Imagination, that the Supreme God had left the Disposal of particular Events relating to Mens Lives or Fortunes to inferior Beings. It might observe, that the Blessings of long Life, Health, Plenty, Victory, and such temporal Advantages as they look'd for from the Favour and Protection of their Idol Gods, were indeed reserved by *Jehovah* the one true God in his own Hands. A constant Admonition to all Men to trust alone in *Jehovah*, and not in lying Vanities; the Idols to whom they sacrificed, whose Protection and Favour they endeavour'd to obtain, not only by silly and ridiculous *Ceremonies*, but by *immoral* and wicked, most inhuman and abominable Rites.

Here

Here was a constant Example to shew the Power of *Jehovah* the one true God was supreme, in fact superior to the Powers of any whom the idolatrous Nations worshipped as Gods. Thus when *Jehovah* brought *Israel* out of *Egypt*, with an high Hand and an out-stretched Arm, when the Walls of *Jericho* fell down in so wonderful manner, how natural was it not only for the *Hebrews* but for all others to whom the Knowledge of these things should come, to say, *There is none among the Gods like unto Jehovah?* Or, to use the Words of the Psalmist, we may

Psal. cii.
15. reason with him, *So the Heathen shall fear the Name of the Lord (Jehovah) and all the Kings of the Earth his Glory.* Let a particular Instance explain this Reason against *Idolatry*, and shew the Strength and thereby the Wisdom of it, as a standing Confutation of *Idolatry*.

When *Sennacherib* King of *Assyria* invaded *Hezekiah* King of *Judah*, he sends a Message to *Hezekiah* to this effect: *Let not thy God in whom thou trustest deceive thee. Have the Gods of the Nations delivered them, which my Fathers have destroyed?* How does *Hezekiah* reason on this Message from an idolatrous King, and in Reproach of his own Trust in

2 Kings
xix. 10. 12. 17, 18, 19. *Jehovah* the God of *Israel*? *Of a Truth, Lord, the Kings of Assyria have destroy'd the Nations; (or the Heathen) and their Lands, and have cast their Gods into the Fire; for they*

they were no Gods, but the Work of Mens Hands, Wood and Stone; therefore they have destroyed them. Now therefore, O LORD our God, I beseech thee save thou us out of his Hand, that all the Kingdoms of the Earth may know that thou art the LORD God, even thou only.

What followed upon this Prayer of Hezekiah, and his Trust in *Jehovah* the God of *Israel*, as the only God? *Isaiab* was sent to promise *Hezekiah*, that God would deliver him from all the formidable Power of the King of *Assyria*, and defend *Jerusalem* to save it. And accordingly it came to pass ^{2 Kings xix. 34. 35.} that Night, that the Angel of the Lord went out and smote in the Camp of the *Assyrians* an hundred fourscore and five thousand; and when they arose early in the Morning, behold they were all dead Corpses. Thus God declared his Glory among the *Heathen*, his Wonders among all the People. This shewed, *Jehovah* is great, and great ^{Psal. xcvi.} ly to be praised, that he is to be feared ^{a-3. 4. 5.} above all Gods; for all the Gods of the Nations are Idols, but the LORD made the Heavens. This declares among the *Heathen* ^{10.} that the LORD reigneth. When it was no wonder the Kings of *Assyria* should destroy the Lands of the Heathen Nations, together with their Gods; because they were Idols, vain Objects of Trust, and no Gods: yet *Jehovah*, as God and Protector of *Israel*, is able to save them; for in one Night

Night he can cut off the whole Force of the most powerful Enemies of his People.

Thus far, it may be, you perceive without any difficulty, the Wisdom of the *Hebrew* Constitution, as a Preservative against *Idolatry*, and as a standing Confutation of it.

But some will still say, why must the *Canaanites* be driven out of their Country, be depriv'd of their just Property and Liberty, by a People who had no Pretences to damage them, either in their Estates or Persons? The *Hebrews*, some say, had no Right at all to molest the *Canaanites*; and it was, they add, a manifest Violation of the most sacred Rules of *Justice*, for the *Hebrews* to take away the Estates and Lives of the *Canaanites*, who had never injured the *Israelites*, or given them the least just Reason to declare War, and invade them in an hostile manner.

So this Case is commonly, but very unfairly put; for it is no Part of the Question what *Right* the *Hebrews* had to dispossess the *Canaanites* of their Land, nor whether they had in themselves any Right at all. The sole Question is, Whether God, as supreme Governor of the World, had a *Right* to punish the Wickedness of the *Canaanites*, when their Iniquities were full; or whether the Justice of Government will justify such Forfeitures and Penalties, as the *Canaanites* were punished with, by express Command
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of God, for their great and abominable Crimes, and as a People past all hopes of Amendment? The abominable Crimes of the *Canaanites* were proved by such open and notorious Acts of Wickedness, as no Pretences to *Freedom* of Thought or *Liberty* of Conscience could justify, or were allowed to justify, in any well-order'd Government in the World. If Murder, if Sins against Nature, are justly punishable, whatever Principles they may proceed from, if the wisest Lawgivers have made such Crimes capital, can the supreme Lawgiver and Judge of the Earth be hindered or barred by Justice from punishing what every lawful Government has a Right to punish by Justice.

One great End of Punishments, and which *The Justice and Wisdom of punishing the Canaanites for their Crimes.* shews the wise and necessary Use of them in Government, is to make great Offenders *Examples*, to deter others from doing the like Evils, that others may learn to fear like Punishment for like Offences; a wise and good Design to prevent the huge Mischiefs, vicious and ill-disposed Minds would surely produce without such Restraints.

Who can reasonably think, or assert, that the Justice of Government forbids the Governor of the World to take away the Life of a very wicked Man, whose Life would be forfeited to the Justice of every Civil Government; or that it would be unjust for God to cut off such a Person in the midst of his Days,

Days, by some untimely Death ; whom the Justice of the smallest City, or civil Community, might condemn to lose their Lives by the Hands of a common Executioner.

Many, I hope, who use such Arguments as these, are ignorant of the Consequences of them. They do not perceive it may be, that if it be contrary to *Justice* for God to punish the Unrighteousness of wicked Men, by a Forfeiture of the Blessings of present Life, it will be full out as unjust for God to punish any wicked Man, or any Wickedness of Men *at all*: So that the most wicked Men and greatest Offenders against the Laws of moral Righteousness, Virtue and Goodness, have no reason to fear any Punishment at the Hands of God at all. And this too, which sure seems somewhat strange, from the Laws of Justice and moral Government, which declare them to be Crimes fit to be restrain'd, and therefore worthy of Punishment. Such Assertions do not only oppose all Revelation, but moreover what are usually accounted the allowed Principles of *Deism*. A noble Author represents it, “ As
 “ a Doctrine taught by all the eminent
 “ Philosophers among the Heathen from
 “ the common Principles of moral Philo-
 “ sophy, that nothing is more agreeable to
 “ the Divine Nature, than that God should
 “ reward Good with Good, and Evil with
 “ Evil. And since they observ'd, that
 some-

“ sometimes good Men were afflicted, and
 “ wicked Men prosperous in this Life,
 “ they concluded, with most certain Evi-
 “ dence from the Justice and Goodness
 “ of God, there was a Reward for the
 “ Good and a Punishment for the Wicked
 “ appointed them after this Life; for o-
 “ therwise there could be no reasonable
 “ Account given, either of the divine Justice
 “ or Goodness*”

To set aside these so generally receiv'd Principles of moral *Philosophy*, as well as all Authority of *Revelation*, is to run through *Deism* into downright *Atheism*, to assign all Events either to *Fate* and Necessity, or to unguided *Chance*, which is the same thing as to ascribe all Effects to no Cause at all; on which Supposition it is nonsense to talk of Justice, Goodness, or any other moral Perfection or Action whatsoever.

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* Et quidem præmium bonis, & supplicium malis, vel in hac vita, vel post hanc vitam dari statuebant Gentiles, utrumque ex justitia & bonitate divina colligentes, quæ summa Dei Opt. Max. attributa ab illis agnita fuisse, cuncta aperte clamant veterum testimonia Nihil magis congruum naturæ divinæ esse docuerunt, tum Philosophorum, tum Theologorum Gentilium præcipuorum Scholæ, quam ut bona bonis, mala malis remetiretur Deus Cæterum quum id quoque cernerent, quemadmodum viri boni calamitatibus miserisque oppressi heic jacerent, mali improbique e contra lauditiis omnibus affluerent, certissimis ex justitia bonitateque divina argumentis deductis, bonis post hanc vitam præmium condignum malis pœnam dari credebant; secus enim si esset, nullam neque justitiæ, neque bonitatis divinæ rationem constare posse. *Herbert de Relig. Gentil.* p. 274, 275.

It deserves further to be considered, that if it be unjust to restrain Men of any Liberties, or to punish them for any Abuse of them ; so that *Justice* forbids God himself to punish any with Forfeiture of Estate or Life, whatever they do ; what Rights then can any Men have to punish their Fellow-Creatures with such Forfeitures ? This will make all Laws of Society, for the Restraint or Punishment of the greatest Wickedness and most notorious Offenders, unjust too. What will be unjust in God will be evidently as unjust in Men, the worst of Offenders will have a just Right to defend themselves against Injustice, and may surely justify themselves in doing what God cannot justify himself in punishing them for. And thus, this Principle will end in an entire Subversion of all Government both divine and human, and on pretence of preserving the Rights of Justice, will make it impossible to have any such thing as the publick Justice of Government, and must, if such Principles should prevail, banish it out of the Earth. Such over-strain'd Notions of Justice, as leave no room for the Exercise of any Justice at all must certainly be unreasonable and false. Let it then be observed, this Question is very weakly as well as unfairly put on the foot of *Justice* ; for it must be allowed, either that God can in Justice punish great incorrigible Offenders, or that none can justly punish them ;

them ; that is, they cannot in Justice be punish'd at all ; that is, there is no such thing as Justice at all.

Yet still some will insist upon it, there is *Justice and Wisdom of* no Appearance of *Wisdom*, at least of *Goodness*, that God should punish the *Canaanites*, *God's punishing the* by giving a Commission to the *Hebrews* to drive them out of their Possessions, or put them to the Sword. If God would punish *the Canaanites by the Hands of the Hebrews.* the *Canaanites* for their Iniquities, why was it not done, they say, by his own Hand ? by unfruitful Seasons or pestilential Distempers, that it might appear it was a Punishment inflicted on them by God, as Governor of the World, and to prevent any Pretences Men might make of reforming the Erroneous, by dispossessing them of their Estates, Liberties, or Lives ? An Example, they say, that may be used to justify and encourage the highest Acts of Injustice and Cruelty, under the Mask of Religion, and in the Name of the Lord.

As it is well known, so there is no need to deny, that the *Hebrews* did claim the Land of *Canaan* as the *Gift of God* to them. It is as well known, that they made their Claim of it as the Gift of God, upon the Forfeiture of the *Canaanites*, when their Iniquities were fully ripe. On this is founded that solemn Admonition to the *Hebrews* themselves, *Defile not ye your selves in Lev. xviii. any of these things, for in these the Nations are defiled, which I cast out before-*

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you, and the Land is defiled; therefore I do visit the Iniquities thereof upon it, and the Land itself vomiteth out her Inhabitants. Ye shall not commit any of these Abominations that the Land spew not you also when ye defile it, as it spewed out the Nations that were before you.

In this Punishment of the *Canaanites* God did visit their Iniquities, and he punished their Iniquities by giving their Land to the *Hebrews*; which they were to hold by a Grant from God, by keeping his Statutes and Judgments, and not committing any of the Abominations for which the *Canaanites* were thus punished; that is, the *Canaanites* were punish'd with a Forfeiture of their Country, because of their Abominations, which they were guilty of chiefly by means of their Idolatry; and the *Hebrews* were to hold it on the Grant of the true God, keeping themselves from the like Abominations. Now in this Grant both the *Habendum* and the *Reddendum*, are a publick Condemnation of Idolatry and standing Confutation of it, in maintaining and supporting the *Hebrews* in possession of this Grant, by the superior Power of the one true God, in Opposition to the Power of all the Idol Gods, their neighbouring heathen Nations worshipped.

This, if rightly considered, will shew us, that as it became the Justice of God to punish the *Canaanites* for their Abominations, so
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it became the *Wisdom* and *Goodness* of God to punish them in this manner, preferable to all others, by a Grant of their Lands to the *Hebrews*, on condition of keeping themselves from Idolatry; so particularly express'd in the *Habendum* and *Reddendum* of the Grant itself, as the Reasons on which it was granted, and the Service by which it was held. God had already tried other Methods of Punishment, and they were found in Experience ineffectual. He had destroy'd the whole World by a Flood, except *Noah* and his Family, which was preserv'd to repeople it. He had destroy'd *Sodom* and *Gomorrhah* in this very Country of *Canaan* by Fire from Heaven. Unfruitful and unhealthy Seasons, were easily interpreted usual and common Accidents; or, to proceed from the Displeasure of their *Dæmons* or some of the Idol Gods they worshipped, and were to be prevented or removed by some of their idolatrous or magical Ceremonies. Such Sorts of Punishments in fact, considering the Corruption of Men's Minds, and prevailing Idolatry of the Times, were abus'd to give new Strength to Idolatry, rather than to root it out. But when God is pleas'd to give a Commission to a People professing the Worship of the only true God, in opposition to all Idols, when it should appear that this one true God had granted the Land of *Canaan* to this People, and given them Possession of it, with many visible

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Marks of supreme Power, and maintain'd them in their Possession against all the Powers of those Idols in whom the *Canaanites* trusted, or by whose Assistance any other idolatrous Nation hoped to dispossess them ; you immediately perceive a standing *Confutation* of the Hopes of Idolaters, and a standing *Encouragement* of the Hopes of the *Hebrews*, and of all other Worshipers of the one true God.

If then it became the Wisdom and Goodness of God to put a stop to Idolatry, and to raise up a Nation to preserve the first Principle of Religion, the Unity of God, the great Principle of Virtue and moral Goodness, of publick and private Happiness ; no Means could have been more agreeable both to Wisdom and Goodness, than to drive the *Canaanites* out of the Land by the *Hebrews*, and to preserve the *Hebrews* in the Possession of that Land which God gave them by a special Grant, with constant evident Marks of Favour and powerful Protection. A just and powerful Motive, to persuade the *Hebrews*, and with them their Neighbour idolatrous Nations, how vain it was to trust in *Idols*, how wise to trust alone in *Jehovah* the only true God.

Yet still there remains, some say, an unanswerable Objection, that such an Example will encourage *Enthusiasts* and *Impostors*, to invade their Neighbours, to pretend Religion whenever they have a mind to their Estates;

Eſtates; and to do the higheſt Acts of Injuſtice, in depriving their Neighbours of their Fortunes, Liberties and Lives. Can God give a Commiſſion that is like to encourage ſo fearful Conſequences as theſe?

Thus the Enemies of Revelation prejudice themſelves, and go about to prejudice others againſt the *Hebrew* Government as not of divine Inſtitution, becauſe not conſiſtent with the divine Wiſdom or Goodneſs, as they believe, or ſay they believe; but if they would have patience to conſider this Matter a little more calmly, they would find all theſe Fears mere Panicks, and the mighty Dangers they pretend to foreſee from the Encouragement of ſuch an Example, are no more than their groundleſs Imaginations or Forgeries of their own Prejudices.

For this Commiſſion to the *Iſraelites*, can give no Encouragement in the leaſt to any enthuſiaſtick *Pretences*; for this Example will allow no *Pretences* at all. It can encourage no Perſons to do any thing by virtue of this Example, but ſuch only who ſhall receive a like *real Commiſſion* from God, and have it as well and as fully *attesteſt* as the *Hebrews* had theirs; and wherever this ſhall be the Caſe it cannot be a *Pretence*, for a *Pretence* and a *Reality* are a Contradiſtion to each other.

This Example then, inſtead of encouraging Pretenders, whether *Enthuſiaſts* or *Impoſtors*, on the contrary gives wiſe and perſuaſive

suasive Cautions against all Pretences, without leaving room for any of what Nature or Kind soever, requiring all Persons to give the fullest Proof and Evidence of a real Commission, whenever they shall undertake to act by any; and that no Persons are to concur with them, or to assist them, without *satisfactory Evidence to themselves* of the Truth of their Commission.

This appears evident, in the Care taken to prove the Commission to the *Hebrew Nation* by *Moses* first to the *Israelites*, then to *Pharaoh*, and even to the *Canaanites* themselves, in great Variety of Signs and Wonders in *Egypt*, at the Red-Sea, in the Wilderness, at the Siege and taking of *Jericho*, in a visible Presence of *Jehovah* for so long a time, in the *Shechinah* or Cloud of Glory, in a miraculous Protection of the *Israelites*, and Provision for them in so many repeated Instances. These are so full, so unquestionable Evidence of the Truth of their Commission from God, that it can give no Encouragement to Pretenders whosoever they may be, as all Pretenders must come without sufficient Proof and Evidence; for this Example does not only permit, but it directs Men to examine all Pretences, and to admit none without full Proof and unquestionable Vouchers. For when God himself did give a Commission to the *Hebrews*, he did not require any to receive it, without such Proof as should leave no reasonable Doubt concerning

ing the Truth and Reality of such Commif-
fion from God. Now, as in the Reason of
the Thing, no Pretender could ever thus
prove a *counterfeit* or forged Commiffion;
fo, in fact, there never has been a fingle In-
ftance of any one who ever pretended to fuch
Proof as was given by *Mofes*.

How groundlefs then are thefe Fears, how
weak and filly muft it be for the fake of
them to tie up the Hands of the Governor
of the World from giving any true Com-
miffion at all? This would be hardly fo wife
as to fet afide all Ufe of the Great Seal of
England, becaufe it is poffible that it may be
counterfeited; for in this Cafe, the Proof re-
quired by this Example, is what cannot be fo
counterfeit, but it will be eafy to discover
the Fraud.

Now upon thefe Principles how weak, *The He-*
how absurd muft it appear, to plead for a *brew Go-*
Toleration of *Idolatry* in the *Hebrew* Go-
vernment, that is, for a Toleration of what *vernment*
was absolutely inconfiftent with the funda-
mental Laws and principal Design of the Ci-
vil Conftitution? Idolatry, in the *Hebrew*
Government, was an Act of *Highb-Treafon* a-
gainft the King of *Israel*, a direct Denial of
his Right and Title, and an actual Procla-
mation of a Pretender to his Crown. A Go-
vernment in its Inftitution design'd to put a
ftop to Idolatry, and to preferve the Know-
ledge and Worfhip of the one true God, in
which all were to hold their Eftates and

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Lands

Lands as his Gift, and their Peace and Prosperity by his Protection, on Condition of having no other Gods before him, or serving any other Gods besides him ; such a Government could not possibly tolerate Idolatry without violating all the Rules of common Sense, as well as all the Maxims of political Wisdom.

It deserves Consideration, that as the whole Land was a Grant of the one true God, it was most equitable he should appoint the Conditions of his own Grant. If any one, whether out of Conscience, or any other Reason, was not willing to accept of it with the Conditions on which it was granted, here was no Harm done ; no Man receiv'd any Injury in not having a Share in a Grant to which he had no previous Right, to which he could have no Claim in Justice or Equity. It is very wrong to make this in any respect a Punishment for the Sake of *Conscience*, either by positive Penalties or negative Discouragements ; it was a direct civil Qualification, that they who held Lands of *Jehovah*, must own him and *do Homage* to him as Sovereign Lord of the Fee.

It should be finally observ'd, that Idolatry is not an harmless Speculation, it is not consistent with the Peace of Society, no Conscience or Pretence to Conscience can make Principles of Intemperance, Uncleanliness, Sins against Nature and Murder innocent, such Principles must disturb civil Society ;
and

and from what has been observed before, concerning the great Mischiefs of Idolatry, it was not only just, but becoming the Wisdom and Goodness of God to put a stop to it.

C H A P. XIII.

That the Balance of the Hebrew Government was so well fixed, as no one Part had Power by overbearing the rest to overturn it ; that in particular the Constitution had taken effectual Care, it could not be in the Power of the Levites.

THE *States* of the *Hebrew* Government as we have already seen, were very wisely constituted for the Liberty of the People, for the Wisdom of Counsel and Advice, and for a due Execution of what should be resolved and undertaken for the Protection and Security, the Peace and Prosperity of the Nation. The next Part of political Wisdom and Prudence will appear by a proper Care, to prevent any such great *Alterations* in the several Parts of the Government, as might threaten the Constitution with Danger.

Here was a Country of great Advantage for Defence by its natural Situation, large enough to maintain a numerous and well-disciplined Militia, in sufficient Plenty and Ease; animated with the Experience of God's powerful Protection in the Days of their Fathers, and encouraged to hope the same Protection of the one true God, to continue them in the Possession of his own Grant, as a Nation chosen to put a stop to the growing Evils of *Idolatry*. A People who had a fair Property to defend, and Reason to desire the Preservation of a Government under which they enjoy'd so much Happiness.

But as ambitious and restless Spirits are the Growth of all Ages and all Places, every Constitution, however wisely formed, must be in some danger from Men who are seeking their own private Advantage often in the Confusion, often in the Ruin of the Laws and Liberties of their Country.

It is not to be wonder'd at, that in fact the *Hebrew* Government should be subject to some Alterations and Corruptions of its Constitution as every Government in the World is, and must be, so long as the Administration of all Governments must be in the Hands of Men, liable to Corruption. The *Hebrew* History shews in fact several Alterations, as in the Occasional *Judges* after *Joshua*, the Change of *Judges* into *Kings*, at the Election of *Saul*, and the Form of Government introduced among the
Jews

Jews after the *Captivity*, which soon grew into that State which Mr. *Harrington** well calls the *cabbalistical* Commonwealth, in which Form the chief Authority resided in the *Talmudical Sanhedrim* and great *Synagogue*; but neither the Nature nor the Reasons of these Alterations are within my Enquiry, which is only to explain and vindicate the Wisdom of the original Constitution by *Moses*.

I would only make one Remark, that all these *Alterations*, great as they were, were nothing near so great as the most celebrated Governments of *Greece* and *Rome* underwent in a much less space of Time. One hundred Years of the *Roman* History, tho' of a People so renown'd for Wisdom, so warm for Liberty, so jealous of every thing that seem'd to threaten it, will yet shew greater Alterations in their Government, more fatal to the Peace and Liberties of that Nation, than the whole fifteen hundred Years of the *Hebrew* History can.

Though the best Provisions of political Wisdom cannot prevent all Alterations, it however shews the great Wisdom of a Constitution; where the Provisions made to prevent them are best fitted to obtain so desirable an End. As this may justly recommend the Wisdom of the *Hebrew* Constitution, so it should silence with Shame the unfair and unrighteous Reflections
some

* *Harrington* Com. *Israel*, c. v.

some have cast upon it, “ as if founded
 “ on ambitious Designs, and calculated to
 “ draw all the Wealth and Power of the
 “ *Hebrew* Nation into the Hands of the
 “ Priests.” When, on the contrary, the
 Constitution has taken the wisest Care that
 it should not be in the Power of any one
 Part of the Nation, least of all in the Power
 of the Priests; either to invade the Property
 or oppress the Liberties of any Part of the
 Nation.

Care and
 Provision
 in the He-
 brew Go-
 vernment
 to prevent
 Factions.

There are two principal Methods of pre-
 venting the Evils of *Ambition*, either to take
 away the usual Occasions of ambitious Views
 and Designs, or to make the Execution of
 them difficult and impracticable. The *He-
 brew* Constitution has made both these Pro-
 visions in a manner equal, I think I may
 boldly say, to any known Constitution of
 Government in the World.

The very Foundation of the *Hebrew* Con-
 stitution, was an equal *Division* of the Land,
 the Continuance of which was secured by a
 fundamental Law, which made that Division
 perpetual, as no Estate could be alienated or
 pass from one Tribe or Family to another.
 The Laws had further provided, that no *In-
 terest* could be made of Money; so that had
 a Man never so much Money he could make
 no Profit of it, either by *Purchase* or *Inte-
 rest*. All Places of Power, whether in
 their Courts of *Justice*, or *Commands* in
 their Armies, were not Places of Profit
 too,

too, at least of so very small Profit as to be worth next to nothing at all ; and these very Places were moreover, if of any Eminency, so fixed to *Heads* of Families and *Princes* of Tribes, that all Ambition of canvassing for them must be very much prevented, by striking in great measure at the very Root of such Ambitions in taking away the common and usual Occasions of them ; for the Constitution had made the Places in that Government rather Places of *Burthen* than of *Profit*, and had left very few, if any Competitors, for most of the principal of them. What room was there for restless and ambitious Spirits, to form Parties or *Factions*, or to attempt to mislead a *Tribes* or the Nation into false Measures for their own private Advantage, when there was so little Power, so little Profit to be got ; and so few were allow'd to be Competitors, that it could hardly be worth any Man's while to give himself any Trouble, or to run any Hazard in attempting it. So wise Provision was made for the Peace of *Cities*, *Tribes* and the whole *Nation*, as there was no Encouragement for any ambitious Designs that might disturb it.

It is observable, this Provision is most particular and effectual to prevent any Designs of Ambition or Covetousness in the *Priests*. For the Constitution had expressly made a perpetual *Mortmain*, so that they could not have any Increase of Property in Land, by
any

any Title whatsoever, either of *Gift* or *Purchase*, and any occasional Gifts of Money must be very small in a Country where there was so little, and it could be no Increase of yearly Revenue, as it could not be laid out to any Interest. And as to Places of any considerable Power, they were excluded from them by the Constitution; they could neither be *Heads* of the Families nor *Princes* of the Tribes in which they lived, for these Offices were in the *Families* of the Tribes themselves, exclusive of all Families or Persons of other Tribes; nor were they to be employed in military Commands, but appointed for the Service of the Tabernacle; there was then no room for the *Levites* and Priests in any Places of the *Hebrew* Government, except in their Courts of *Justice*. Their Leisure and Knowledge in the *Laws* made it proper there should be some Priests or *Levites* to assist in them; but these Offices were attended with so little Profit, if with any at all, they were attended with so little Power and Authority, and shared among so many besides the *Levites*, that most certainly these could draw very little of the Power or Riches of the Nation into their Hands. According to the foregoing Account, the *Levites* were not sole Judges in any Court of Justice, they were a small Number among many others, they were a very small Part, if any, of the Congregations or popular Assemblies, whether of the *Cities*, of
the

the Tribes, or of all *Israel*. They made a very small Part of the *Senates*, whether provincial or national; and therefore could have very little Encouragement to canvass by Party or Faction, what was so little worth when they had obtained it.

As to the particular Interests of the Priests and *Levites* as a Tribe; they must direct them not only to avoid all Ambitions themselves, which might disturb the Peace of the *Hebrew Nation*, or of any of the particular Tribes, but to take all Care, as far as they could, to prevent all such Ambitions in others, because they must suffer by every Disturbance. They could have no Hope of Gain from any; and when every Disturbance was like to diminish the Tithe, either in the natural Produce or regular Payment, this must diminish the proper Revenue of the *Levites*, lessen their Fund, and so their yearly *Dividend*. What Encouragement then could a Priest have to disturb the Peace of his Country, when he could have no Prospect of Gain, and had a sure Prospect of Loss; when their Estates and the Provision for their whole Livelihood were of such nature, that they could not be better'd, but were sure to be made worse by every Disturbance of the State?

I shall add one general Remark further, on the near Equality of the whole *Hebrew Nation*, in Estate. As the Constitution put a bar to great Riches, and made such Provision

vision for the natural Conveniences of Life, that very few could be in great Want or Poverty; this served to diminish greatly the Temptations of *Luxury*, *Pride* and *Envy*, nor were there any so necessitous as to seek *Relief* for their private Wants and Misery, in the publick Confusion and Disorders of their Country. How much do these Provisions of the *Hebrew* Government, to prevent the Occasions of Faction, excel all the Constitutions of the fam'd *Spartan* Lawgiver for the same Purpose, so much celebrated by the admired *Grecian* Authors? Nor would these Constitutions have miss'd their Praise, if they had been published by a *Lycurgus*, a *Solon*, or a *Numa*; or indeed by any body but *Moses*.

*Attempts
of Ambition
and
Faction
made very
difficult,
almost im-
practicable.*

The Wisdom of this Constitution went still further, to make all ambitious and factious Attempts so very difficult, so unlikely to succeed, as to be next to impracticable: A great Discouragement to the making any such Attempts. The particular Powers of each Part of this Government, were so *balanced* by the Powers of other Parts, that without the Concurrence of all it was hardly practicable for any one Part to draw to themselves any share of Property, Wealth, or Power, from the other Parts; and it was as hard and impracticable to obtain their Concurrence, to the Ruin of their own Property and Liberty. Let any Man but just consider the Plan of this Government in general, and let

let him say in what way it was practicable for any *Person, Tribe, Court or Magistrate*, to invade the Property of his Country-men or Liberties of his Country. The *Tribes* were independent of each other, so that the Ambition of any Man in any Tribe could only affect the Peace of his own Tribe; and there were the Powers of the provincial *Congregation, Senate and Prince* of the Tribe, to prevent even any such Attempt as that. Yet if that would not do, and if a Man might be supposed to have gained over to his Interests the People, Elders and Prince of his Tribe, or at least a sufficient Party among them to consent to their own undoing, there still remained the *other Tribes*, all independent Governments as well as his own Tribe, and none of them like to make a Surrender tamely of their *Sovereignty and Independency* to any one Tribe. There were still the *national Congregation*, the national Senate, the Judge, and the Oracle; all which must be imposed upon, or forced to a Compliance, or the whole Force of the Nation would soon put an end to a provincial Rebellion.

But indeed what Man could be so sanguine as to think it practicable to make such a Party in his own Tribe, as to be dangerous to the Liberties even of that particular Tribe. *Bribery and Corruption* could have very little Influence where all were in near equal Circumstances, where none by consequence were able to bribe any considerable Number, and

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where

where all had a Property near as good as any other Person of their Family or Tribe.

But suppose, if you please, this ambitious Man one of *chiefeft* Power and Command in the Tribe, let him be Head of a chief Family or Prince of his Tribe; what could any Head of a Family do without the Concurrence of the other Heads of Families and the Prince of his Tribe, whose Power and Authority his Ambition must be supposed to be drawing out of their Hands into his own? Suppose him Prince of the Tribe, and so of greatest Power and Authority, if he should attempt to carry that Power and Authority beyond the Laws of the Constitution, he must invade the Powers and Authority of the Heads of Families and inferior Commanders, without whose Consent it was not practicable to do any thing. And is it conceivable, that these Heads of Families would not be attentive to their own Rights, and be alarm'd as soon as ever they perceived a Design upon them? The Princes of the Tribes, though Generals of the Militia and Presidents of the Council of War within their own Province, yet did not appoint any of the Officers under them; the Heads of Families commanded their Families, as the Princes did the Tribes, and were always able by virtue of their own Commands in the Army of the Tribe, to prevent the Execution of any Designs against their own Rights. Moreover, in any such Case they might expect to be

be supported by the united Force of the whole Nation ; for nothing can be more improbable than to imagine that the other Tribes, the national Senate, or the Judge, should all give in to the private Ambition of any one single Man to invade the Liberties of one of the Tribes of *Israel*, and thereby withdraw it from the Union of the whole Nation, from the Obedience due to the States-General of the united Tribes, and encourage like dangerous Attempts against the Liberties of every other of the Tribes in its turn.

What appears thus impracticable in any one of the Tribes severally, will appear yet more impracticable if attempted by any *Magistrates* of the Union. An Attempt by the Congregation of all *Israel* seems hardly within the Question. None can well suppose an whole Nation in a Plot, to give away their own Wealth, Liberty and Power into other Men's Hands, be they who they will, Priests or Lay-men. The national Senate consisted of all the Nobles of *Israel*, Princes of Tribes, and Heads of Families, as well as the seventy Elders chosen for their Understanding in the Laws and their Wisdom for Counsel. Now it is inconceivable how this Court, call it Sanhedrim, Senate, Privy Council, or what you will, should practise any thing against the Property, Liberties or Wealth of the Nation, when every thing of moment resolved in it must be proposed to the Congregation of

Israel for its Consent, and must be afterwards put into Execution, if Force was necessary, by the Arms of the said Congregation, as the only Army of *Israel*; who, tho' indeed as an Army, they were to be commanded by their Heads of Families and Princes of Tribes, yet they were in no servile Dependence upon them. They did not hold their Lands of them as *Vassals*, or even as *Tenants*; they were all of them *Freeholders*, and held of *Jehovah*, or immediately of the Crown. They owed the Heads of their Families and Princes of their Tribes no other Services but military Obedience, and that only in such things, and as far as the Constitution directed. Hence it appears to have been in the Power of the Congregation, as one of the States of the *Hebrew* Parliament, and as the only Army of the *Hebrew* Nation, to prevent the Senate from carrying any Point in the national Council or States-General of the united Tribes; because it must have their Consent; and to prevent any Resolution from being carried into Execution, that might have been fraudulently obtained, in Prejudice to the Property or Liberties of the People, because it must be executed by their Force.

If you suppose any such Attempt to be made by the Judge whose Power and Authority were very considerable, he being Commander in chief of the Hosts of *Israel*, and in whose Hands the executive Powers
of

of Government were principally lodged ; yet there was so great care taken to prevent any Danger from his Power to the Liberties of the Nation, that you may perceive it was not in his Power to hurt them ; for he was not entrusted with an arbitrary Power, he was strictly to follow the Directions of the Law, for which End he was to act according to the Advice of the national Council or Senate ; and in Matters of greater Importance, he was to have the Consent of the Congregation, and Approbation of the Oracle. Nor could the Judge execute any thing at any time, but by an Army ; of which both Soldiers and Officers were Members of the national Congregation or national Senate. An Army sure, very unlikely and improper to be employed in invading or trampling on the Liberties of the Senate or People of *Israel*.

Perhaps some will yet pretend Danger from the *High-Priest*, as he was appointed to consult the Oracle ; but what has been observed concerning the Oracle, and the manner in which it was consulted by the High-Priest, shews, I think most evidently, that the High-Priest could no ways endanger the Liberties of the Nation, or draw the Wealth of it to the Priesthood, by any possible Use to be made of the Oracle. For the High-Priest was only to ask Counsel of the Oracle, when he was so directed. The Oracle itself gave no Answer but to a Que-

tion agreed upon before, and put into the Hands of the High-Priest to ask. The High-Priest could form no Question himself, or ask any Question of his own; nor could he impose an Answer on those who consulted the Oracle by him. Yet if you will suppose after all, the High-Priest might on some occasions have managed things so dexterously, as to have publish'd an Oracle in favour of the Priesthood, of their Power and Wealth, of which there is not so much as a Pretence of one single Instance in the whole *Hebrew* History, what would the Priests have gain'd by it? This would have been beginning at the wrong End, it would be like declaring the Royal Assent to an Act that had passed neither of the Houses; and must, like the Laws of the *Hebrew* Constitution, be proposed to the Senate and Congregation for their Consent. So that such Constitutions, if possible to be founded on the pretended Authority of an Oracle, must be receiv'd and executed by this general Consent of the whole Nation.

But of all these imaginary or forged Fears, none are more ridiculously absurd than the Pannick from the Attempts of the *Levites*, That they should be in a Plot against the Liberties of their Country, and be able to draw all the Power and Wealth of the whole Nation into their own Hands.

What

What the Constitution appointed for the *Levites* was the *Tithe*, which, all things considered, and their own Share of Land which they gave to the Publick deducted, was very moderate. A fundamental Law of the Constitution made the *Levites* incapable of any Accession of Revenue, as all Estates in Land were unalienable, and all Interest on Money forbid by Law. So that it was not possible for them to attempt any thing, but either by the Repeal of a Law declared in the Constitution unalterable, or by Force of Arms, both of them most chimerical and impracticable Projects.

The *Levites* had so little share in the States, whether provincial or national, that if a Power of repealing and making new Laws had been vested in those Assemblies, the *Levites* could have had neither Numbers nor Authority to carry any Law in their own Favour against the Interests of the rest of the Nation.

If they are considered in the particular Tribes to which they belong, for they are reckoned to belong to that Tribe where the City of their Habitation was; so you have mention of a young Man out of Bethlem-Judab, of the Family of Judab, who was ^{Judg: xvii. 7.} a Levite: Thus considered, you will see they are so very small a Number, in comparison of the other Inhabitants of the Tribe, that they could not hope to carry any Que-

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tion

sion against them, in any Assembly ; especially considering further, that the principle Power and Authority of every Tribe must be in other Hands. The *Levites* could never be Princes of Tribes, or Heads of Families ; nor is it certain, that the *Levites* had any share in the provincial Senates or Councils of the Tribes at all. It is likely they were confined to the *Magistracies* of their own Cities, and of their own Families, who inhabited them. As they were free from military Services, they seem in like manner free from Summons by the superior Officers, and so from Attendance on the Princes of the Tribes in their provincial Assemblies, except some few of them should assist in their Courts on account of their better Understanding in the Laws ; but these, as some have observ'd with good Reason, seem rather to be placed in the Offices of Scribes, Secretaries, or Recorders, than of Aldermen or Senators. The same may be observed as to their Session, Vote and Authority in the national Councils, or States-General of the united Tribes.

But whatever Power the *Levites* had, whatever their Authority was, suppose it more or less, it could not reach to the Alteration of the Constitution in their favour any manner of way ; for it was not in the Power of any provincial Assembly, not in the Power of a national Assembly, if the *Levites* could be supposed to govern them
all

all absolutely, either to repeal any Law in being that was a Bar to their Ambition, as the universal Mortmain or the Prohibition of Interest, or to procure any new Law to be enacted in their Favour, that might make way for any Attempts against the Liberties of their Country.

If you can suppose the *Levites* making any such Attempts by Mutiny and Force, you may perceive all such Attempts manifestly impracticable. The *Levites* were a few Persons in the midst of a great Number of *Israelites*; they were themselves without Arms, never train'd to Discipline, not having one Person of military Skill to lead them, but surrounded by Persons in Numbers, above ten to one armed and instructed in military Discipline, fully officer'd, and ready at a Day's Warning to suppress any Mutiny or rebellious Insurrection.

So that to suppose it was in the Power of the *Levites* to disturb the Peace, or endanger the Liberties of their Country, or to draw the Power and Wealth of the Nation into their own Hands, especially that it was artfully, that is, *knavishly* design'd by the Constitution it should be so, is a groundless Imagination; and so incredible a Fiction, that whoever can hope to impose it on the World must first have a most contemptible Opinion of it, for Ignorance and Stupidity.

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In fact, there does not appear any one Instance in the whole *Hebrew* History for so many hundred Years of any such Design in the *Levites*, or of the Success of the Priests in any one such Project. There were considerable Alterations in the *Hebrew* Government, for want of keeping strictly to the original Constitution. As the *Hebrews* chose no Judge to succeed *Joshua*, or Elders in the room of the Elders of his Council, the natural Consequence was a sort of *Anarchy*, or occasional Judges, with Authority only in some of the Tribes. This made the People desire a King, to restore in some measure the national Union, and to unite the national Force. This Kingdom was in a few Years divided into two, by which the original Constitution was so altered, and the national Force so weakened, that both became more expos'd to the Invasions of their powerful Neighbours the Kings of *Egypt*, *Assyria* and *Babylon*; and suffered much from them, as was naturally to be expected from their Divisions and Animosities; but where is it to be found that the Priests or *Levites* were the Authors of any of these Alterations? Where does it appear the Priests or *Levites* got any Advantages by any of these Alterations? Where are the new Constitutions to be found in favour of the Priests and *Levites*, whereby they had any Accession either of Power or Wealth; or, where is the Appearance

pearance of it in any one Instance of the *Hebrew* History? It was not the Artifice of the Priests and *Samuel*, it was the Importunity of the People that said, *Make us a King to judge us like all the Nations?* ^{Samuel viii. 5, 6.} *for the thing displeased Samuel*; or he did not approve of such an Alteration of the original Constitution. In the Government of *Saul* the first King, the Power and Influence of the *Levites* was so low that they could not prevent a *Massacre*, and putting all the Inhabitants of the City of *Nob* to the ^{Samuel} Sword; nor were they in Condition to re-^{xxiii. 18,} sent, or revenge it. There was no Com-^{19.} motion, not the least national Disturbance upon it, and *Abiathar* was fain to fly to *David* for Safety; who, himself was in the greatest Danger, hiding himself sometimes in one Wilderness, sometimes in another, and had only about six hundred Men with him; nor does it appear, there was any Constitution made on *David's* Accession, to the particular Advantage of the Priests.

The Revolution under *Jeroboam* was so far from being of any Advantage to the Priests and *Levites*, that it was a fatal Blow to their legal Rights and Interests. They lost above three Quarters of their Revenue, besides the Office and Dignity of Priests, in the Cities of *Israel*. Sure the Priests were very unskilful and unlucky Politicians, to make way by *Jeroboam's* Revolution for the



1 Kings
xii. 31.

the *Calves of Dan and Betbel*, for Priests of the lowest of the People; who were not of the Sons of *Levi*, to deprive them of so large a Part of their Substance; Consequences easy to be foreseen in such an Alteration of the Government, and which, if the Priests and *Levites* had common Sense, they must have used all their Interest to prevent, instead of having any hand in the Contrivance or Execution of it.

So contrary to all Reason, so contrary to all historical Truth of Facts, is it to suppose, that the *Hebrew* Constitution was contrived partially to favour the particular Interest of the *Levites*, or to draw the Power or Wealth of the *Hebrew* Nation into their Hands.

C H A P.

C H A P. XIV.

That Obedience to the General States of the National Union, in whom the Tribes, though separate and independent Provinces, were united into one Government, was essential to the Hebrew Constitution; that to disobey and oppose their Orders, was a very dangerous Act of High-Treason.

ALL wise Governments have made every Act of *High-Treason* a Capital Crime, and have justly accounted it one of the most dangerous Offences that can be committed. It is not only an Injury to one Man, or to a few private Persons; but it is an Inquiry to the whole Society, to the Peace and Order of the Government, on which the Property, the Liberty, the Happiness, and even the Lives of every one of the Society must depend. Treason is defined to be an Offence committed against the Security of the King or Kingdom; according to the *Roman Law*, every Attempt against the Emperor or Commonwealth was Treason *. By our Laws a
Man

* *Lex Julia Majestatis, quæ in eos, qui contra Imperatorem vel Rempublicam aliquid moliti sunt, suam vigorem extendit. Institut. l. iv. Tit. xviii. §. 3.*

Man commits High-Treason by counterfeit-
ing the Coin, or the Great Seal, by killing a
Chancellor, Treasurer or Judge, in the Exe-
cution of their Office; by adhering to the
King's Enemies, by levying War as well as
by compassing and imagining the Death of
the King. So that all Offences which di-
rectly tend to overthrow what is necessary
to the Safety and Authority of the Govern-
ment, especially if they appear in *overt* Acts
of forcible Opposition to it, are ranked a-
mong the most heinous Crimes, and which
in Justice and Wisdom deserve the severest
Punishment. No wonder the *Hebrew* Go-
vernment should take care to secure its Au-
thority in the same manner all wise Govern-
ments have ever done; nor is it to be won-
der'd at, that therefore there should be se-
vere Penalties in the *Hebrew Laws* for such
Offences, or Examples in the *Hebrew History*
of severe Punishments inflicted on such Of-
fenders.

What High-Treason in the Hebrew Government. Among the *Hebrews* the *Majestas Imperii*, the Authority of Government, was in the first place to be consider'd in *Jehovab* himself as King of *Israel*; therefore what-
ever overt Act amounted to a Denial of his
Right and Authority, as King of *Israel*,
whatever amounted to compassing and en-
deavouring to depose him, was the highest
Sort of Treason in that Government, as what is
committed against the Security of the King, is
according to our Law, and what was attempted
against

against the Emperor, was according to the *Roman Law*, and what deserved the severest Punishment according to both.

But the Authority of Government is to be considered next, in the Persons to whom the Execution of the Laws and Justice is committed by the Constitution. These, in the *Hebrew Government*, were principally the Judge, the national Senate, and the Congregation of all *Israel*. To oppose then and resist their Authority, especially in the Execution of their proper Offices, as the national States, to levy War against them, was in their Constitution a greater Offence, than in ours to kill a Chancellor, Treasurer or Judge, in the Execution of their Office, as great as to levy War against the King, to hinder and oppose the Execution of Justice.

One would think there is little need to vindicate the Wisdom of Laws against High-Treason, or the Justice of severe Punishments for so heinous Offences; yet so it is, the *Hebrew Government* is treated with uncommon Severity on this Account. Our moral Philosopher tells us, that "the Decision of
" the Oracle, in the Case of the *Levite*,
" was without the least Truth, natural Honour, or common Justice.—— That it
" is evident here the Oracle was neither infallible nor impeccable; so far from it,
" that he encouraged and prompted the
" People to the most bloody and cruel Outrage that had ever been known or heard
" of;

“ of ; and an Injury done to a single *Levite*
 “ was thought fit to be revenged by cutting
 “ off an whole Tribe, Root and Branch,
 “ without any Regard, to natural Justice, or the
 “ least Bowels of Mercy or Compassion.-----
 “ That not less than three hundred thousand
 “ Lives or Souls were sacrificed upon this
 “ Quarrel, relating to a *Levite* and his
 “ Whore*.” — And finally, “that by adding
 “ one Wickedness to another, they finished
 “ the most perfect Piece of Malice, Revenge
 “ and Villany, in the Name of the Lord†.”

*Witch-
craft an
Act of Idi-
latry, and
therefore
High-
Treason in
the He-
brew Go-
vernment.*

We have many Objections more general, censuring the Laws against Idolaters, Diviners, Witches, and such like Offenders, as unjust and cruel, and even contrary to the natural Rights of Conscience : or, as one thinks fit to express it, “ destroying Men on the Account
 “ of Religion and Conscience ‡.”

We have seen before, it became the Wisdom and Goodness of God to put a stop to Idolatry, and the great Mischiefs which were the common and natural Effects of it ; that this was the great Design of the Institution of the *Hebrew* Government ; so that to tolerate Idolatry in this Government must violate all the Rules of common Sense, as well as the Maxims of political Wisdom. Now all manner of *Witchcrafts*, *Sorceries*, *Divinations*, or Pretences to either of them, were an

* Moral Philos. Vol. I. 273, 280.

† Ibid. 278.

‡ Ibid. 304.

an open Profession and Practice of Idolatry. For they pretended to a Knowledge and a Power of doing things, above human, in virtue of supernatural Powers receiv'd from the *Idols*, with whom they were supposed to have an immediate and intimate Commerce. Now the very Profession of having received such supernatural Powers from Idols, was an overt Act of Idolatry, that is, of *High-Treason*, in the *Hebrew* Government; for whether such Declaration was really true or false in itself, still the Treason was the same; for it openly denied *Jehovah* to be the one true God, as it asserted the Power of Idols; it was compassing to depose *Jehovah*, as King of *Israel*, by asserting the Authority of other Gods before him. No wonder then it was one of the Laws of the *Hebrew* Government, *Thou shalt not suffer a Witch to live.* Exodus xxii. 18. Forasmuch as all Witches, whether real or pretended, did openly profess and practise Idolatry. I think this single Observation sufficient to justify the Wisdom of these Laws against a Practice of *Idolatry*, and which was so very likely to corrupt weak Minds, eagerly fond of knowing Things to come, and the greater Part by far of every Nation in the World. Let others make good the Religion and Conscience of Witchcraft.

But as great Pains have been taken to misrepresent the Case of the *Benjamite Rebellion*, and to render the Oracle itself odious, *Case of the Benjamite Rebellion.*

as encouraging and prompting the People to the most bloody and cruel Outrage that had ever been known or heard of, let it be considered a little more distinctly.

Let us take the true State of this Case from the Hebrew History itself, which is thus:

Judz. xix.
1, 2, 3, 4.

It came to pass in those Days, when there was no King in Israel, that there was a certain Levite sojourning on the Side of Mount Ephraim, who took to him a Concubine out of Bethlehem-Judah; and his Concubine played the Whore against him, and went away from him unto her Father's House in Bethlehem-Judah; and her Husband arose and went after her, to speak friendly to her, and to bring her again; and his Father-in-Law, the Damsel's Father, retained him, and treated him kindly for several Days; so that a full Reconciliation was made between the Levite and his Concubine, or Wife, for so it will presently appear she really was. Returning home, they came to Gibeah, a City of Benjamin, where they met with less Hospitality and Kindness than was usual in those Times among Strangers, and than what might have been justly expected from one Israelite to another. Nor did they expect any other Kindness from the Men of Gibeah, than what was commonly shewn to every Traveller, in a Country where there were no publick Houses of Entertainment. They brought their Provision with them, and only wanted

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a Lodging, that they might not be forced to remain all Night in the publick Streets of the City. At length they were received into the House of one who was also of Mount Ephraim; but soon the House was beset with a Design to commit a most villainous Outrage in Violation of all the Rights of Justice and Humanity, as well as one of the most abominable Crimes, the Sin against Nature. They actually proceeded so far in their Wickedness and Villany, as to abuse the *Levite's* Wife, in such manner that she died in a few Hours. The *Levite* so highly injured complains publicly of it; and all who heard his Complaint, were sensible of his Injury. *For all who saw it, said, there* Judg. xix. *was no such Deed done nor seen, from the 30th Day that the Children of Israel came up out of the Land of Egypt unto this Day.* They all esteemed it a Crime not fit to be passed over in silence.

Hereupon the *Congregation of Israel* was xx. 1, 2, 3. *gathered together And the chief of all the People, even of all the Tribes of Israel, presented themselves in the Assembly of the People of God.* So that here was a Meeting of the General States, the Senate and People of *Israel*, and the high *national* Court of the *Hebrews*. They examine into the Facts, and send to the Tribe of *Benjamin*, to learn what Answer they had to make for themselves, or to deliver up the Criminals to Justice; *but the Children of* 13, 14.

S 2

Benjamin

Benjamin would not hearken to their Voice — but gathered themselves together out of the Cities unto Gibeah, to go out to Battle against the Children of Israel. Instead of appearing in the Assembly of *Israel*, as one of the Tribes, or giving any Satisfaction to the high national Court assembled to enquire into this Affair, they resolved neither to make any Excuse, or give the States of *Israel* any Satisfaction, or to pay any Regard to the Authority of their Summons; but resolved to defend the Inhabitants of *Gibeah* right or wrong against the national Authority and Justice of all *Israel*, the Senate and People being now assembled in full Parliament. They carry their Point so far, as to levy War, and march twenty-six thousand Men to protect the Offenders from publick Justice. This brought on the *Civil War*, which ended in the Ruin of the City of *Gibeah*, and almost in the Destruction of the Tribe of *Benjamin*.

This is the plain Account of the whole Matter, as reported in the *Hebrew History* itself. A few obvious Reflections will set it in a true Light.

It is really of no great Consequence in this Question, what the *personal* and moral Characters of this *Levite* and his Concubine either truly were or are supposed to be. If “ he was a drunken *Levite*, and if she was “ an Whore,” as our Moral Philosopher very freely calls them both, it might have justified the

the Magistrates of *Gibeah*, in punishing them according to Law ; but sure it could be no Justification for a riotous Mob to break open Houses, to make an Attempt of *Sodomy*, and to commit Adultery, Rape and Murder. Is it not wonderful *Morality*, to excuse as far as possible, such unheard-of Wickedness, and endeavour, by most uncharitable Insinuations, without the least Foundation of Proof, to cast all the Blame upon a poor *Levite* and his Wife ? For so she was, how free soever our moral Philosopher makes with her Character, to call her so often an Whore. Concubines, with the *Hebrews*, were lawful Wives, and differed from other Wives only in Dower or Jointure. “ Certain it is,” as Bishop *Patrick* observes, “ such Persons were “ really Wives ; and it was Adultery in any “ other Person that lay with them, but they “ who had married them.” It has been observed to this Purpose by the most eminent and skilful Author, in the Understanding and Knowledge of the *Hebrew* Customs and Laws, “ That no private Person could “ have a Concubine, but on two Conditions, “ that she was an *Hebrew*, and that he married her*.”

In this Case, the History itself plainly makes our *Levite*'s Concubine his Wife ; for he is

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expressly

* Homo privatus autem primo non potest Concubinam sumere, nisi sit ancilla Hebræi, & deinde semper Desponsationem adhibere debet. *Maim. Halac. Melac. c. 4. Osha Lex Rabbim. V. Concubinæ.*

Judg. xix. expressly called *her Husband*, and her Father
 3. 4. is as expressly called *his Father-in-Law*. So
 that she was his Wife properly and in the
 strictest Sense, according to Law.

2. But it is not said in the History itself, *his Concubine played the Whore against him*. It is so said indeed in our Translation. It had been decent in a *Moral Philosopher* however, to have seen how far the Translation of an *Hebrew Word* may be depended upon, before he made it the sole Foundation of so heavy a Charge, "That it was plain from
 " the Story itself, that the Woman before
 " her Elopement had been a common
 " Whore*." Now any one, without any great Knowledge of the *Hebrew Language*, might have known at least, that it is not plain from the Story itself: for Bishop *Patrick*, whom every *English Reader* who pleases, may consult, observes, "There are those, who by
 " the Word *Tifneh*, which we translate *played*
 " *the Whore*, will have no more meant, but
 " that she was froward, and contumaciously
 " disobedient; so that she could not endure
 " his Company, but forsook him†." So that according to these, our Translators should not have render'd it she *played the Whore against him*; but that she *eloped* from him, out of ill Humour: And the Persons who are of this Opinion, are the most eminent for their Knowledge of the *Hebrew Language* and History,
 the

* Moral Philos. I. 275.

† Patrick on the Place.

the *Chaldee* Paraphrast, the LXX or ancient *Greek* Translation, the eminent *Hebrew* Historian *Josephus*, and the vulgar *Latin*. But enough of a Circumstance, which would be of little Consequence to the Merits of the Cause, if it was as certain and evident, as it is uncertain and groundless.

Let us come to what is more material.

As far as it appears in the History, there was no Mis-behaviour, either in the *Levite*, or his *Wife*; it is therefore unrighteous to charge them with any on mere Suspicion, without any Proof. But many of the most abominable Crimes are expressly charged on the Inhabitants of *Gibeab*, their Attempt on Strangers and Travellers was an high Violation of the Laws of *Hospitality* and Humanity, and a riotous Breach of the Peace. It was moreover a Breach and Violation of the common *Rights* of all the Tribes, to a safe Passage through the whole Country. It was not only an Injury to private Persons, but to the Tribes of *Judah* and *Ephraim*, to which the *Levite* and his *Wife* belonged; and so to all the Tribes, as it might be the Case of any of them. It quite mistakes the Case, or misrepresents it, to make it only the Concern of a private *Levite*; for *Levite*, or no *Levite*, the Injury was the same. Any Man of *Judah*, *Ephraim*, or any other Tribe, could have no Security of travelling safely any where, if such open Violence was tamely suffered to go unpunished. It is true, neither

Judah nor Ephraim could call the Inhabitants of Gibeah to an account by the Constitution, as the Tribes were *independent* of each other, and no one Tribe had Jurisdiction over another; but for that very Reason this was a Cause properly cognizable by the *States General of Israel*, and that seems the true Reason why the *Congregation of all Israel* was assembled to enquire into it. The Crimes themselves committed by the Inhabitants of Gibeah were very great, and made capital by the *Hebrew Laws*. The Laws were in particular careful to prevent Murders, and to engage all Persons to assist in the Discovery and Punishment of them, that it was in particular provided, that *if any Person was found slain in a Field, and it be not known who hath slain him; then the Elders and Judges shall come forth and measure unto the Cities, which are round about the Slain.* This Care was required of the Elders and Judges of the Tribe, that the Elders of the City that is next the slain Man should bring an Heifer and strike off his Neck, and solemnly purge themselves of having any hand in the Murder, or any Knowledge of it.

Deut. xxi. 1, 2. *And all the Elders of that City that are next unto the slain Man shall wash their Hands over the Heifer, that is beheaded in the Valley; and shall answer and say, our Hands have not shed this Blood, neither have our Eyes seen it, be merciful, O Lord, unto thy People Israel, whom thou hast*

hast redeemed, and lay not innocent Blood unto thy People of Israel's Charge; and the Blood shall be forgiven them. That is, to use the Words of Bishop Patrick, "The
 " Guilt shall be removed from them, which
 " in some sort would have lain upon them,
 " if they had taken no notice of a Murder
 " committed so near to their City; nor
 " made Inquisition after it, and expressed
 " their Abhorrence of it." The Laws, you see, made Provision to purge a near City, and in a solemn manner by their Magistrates, of any Knowledge of a Murder, in which they had no hand, and to which they were no ways privy, to preserve an Abhorrence of Murder, and a Care to prevent or detect it. Now in this Case, there was a most barbarous Murder committed in the midst of a City, aggravated with many enormous Circumstances, which the Magistrates took no Care to prevent, nor did they make any Inquisition after it to punish it. And the Magistrates of the Province or Tribe actually joined themselves with the Magistrates of the City, in refusing to have it examined before the Senate and People, the national Court of *Israel*; and actually levied War, and appeared in Arms, to oppose the publick Justice of the *Hebrew* Nation in full Parliament assembled. It is this View of the Case, which shews it in its true Light. *All the Judges* xx.
Children of Israel were gathered together, and 1. 2.
the Chief of all the People, even of all the Tribes

Tribes of Israel, presented themselves in the Assembly of the People of God. "The Word which we translate Chief," says Bishop Patrick, "is in the *Hebrew*, the *Corner-stones*; which were the Strength and Support of the People, as the Corner-Stones are of a Building, viz. the Heads of their Tribes, Rulers of Thousands, and Rulers of Hundreds, Fifties and Tens*." That is, this Congregation met under its proper Officers, not tumultuously and disorderly, as a Mob; but led by the Princes of Tribes, and Heads of Families, which when nationally assembled, as we have seen in the Constitution of the *Hebrew* Government, made the great Council or Parliament of *Israel*. And it is to be observed, *there being then no King* (or Judge) *in Israel*, they had the whole national Authority, acting according to the Advice of the Oracle, lodged in themselves. To know then the true Reason of this Civil War, which proved so fatal to the *Benjamites*, we should first observe, that the *Levite's* Complaint of his Wife's Murder could go no further, than to bring the Cause before the *Hebrew* Parliament, when the Parliament was met; all that followed, proceeded on quite another foot. The Congregation examined into the Truth of the Fact, *Then said the Children of Israel, tell us, how was this Wickedness? Tell us*, in the Original is plural, and must mean more than one

Judg. xx.
4-

* Patrick on the Place.

one Person, likely the Man of the House where the *Levite* lodged; the *Levite's* Servant, and it may be some others, confirmed the *Levite's* Evidence, by testifying themselves to the Truth of it. Hereupon the Tribes of *Israel* sent Men through all the Judg. xx. *Tribe of Benjamin*, saying, what Wicked-^{12, 13.}ness is this that is done amongst you? Now therefore deliver us the Men, the Children of *Belial*, which are in *Gibeab*, that we may put them to Death, and put away Evil from *Israel*. Upon so easy, so reasonable, so equitable Terms, might the *Tribe of Benjamin* have freed itself, from all Disturbance and from all Danger; but the Children of *Benja-^{14.}min* would not hearken to the Voice of their Brethren the Children of *Israel*, but the Children of *Benjamin* gathered themselves together out of the Cities unto *Gibeab*, to go out to Battle against the Children of *Israel*. So that now the Case was quite altered from the Murder of a private Person, by some Children of *Belial* in the City of *Gibeab*, to an open Rebellion of the whole City, and of the whole *Tribe of Benjamin*, against the whole national Authority of *Israel*. They not only refuse to give up the Murderers to Justice, but declare openly for their Protection, raise an Army, and march to fight the Children of *Israel*, in Defence of them. This was the true Reason that began all Hostilities, that the whole *Tribe of Benjamin* made themselves

themselves *Accessaries* to all the Crimes the Children of *Belial* in *Gibeab* had been guilty of. They made themselves in particular guilty of the common Injury done to all the Tribes, of violating the Rights of a safe Passage through each other's Dominions; they made themselves Principals in a Rebellion against the Authority of the national Union, and were guilty of High-Treason in compassing the Subversion of the whole *Hebrew* Government, by levying War against the Children of *Israel* in full Parliament assembled. Was this Quarrel with all *Benjamin*, " a private Quarrel relating to a *Levite* and his Whore?" Was this the real Quarrel of the *Israelites* with all the Tribe, or was it levying War against all *Israel*? And is the Punishment of Rebels in Arms against the Government, and actually fighting to destroy it, tho' with the Severity of military Execution, " the most bloody and " cruel Outrage that had ever been seen or " heard of?" Let any Man but cast his Eyes into History, and he will soon find Examples enough to convince him of the contrary.

But there is one Transaction relating to the Conduct of this Assembly of *Israel*, which it may not be improper just to take notice of in this Place. The Punishment of the *Benjamites*, in actual Arms against the Government, may appear less hard than the Punishment of the Men of *Jabesh-Gilead*. They

They did not appear upon the general Muster. On this account twelve thousand Men ^{Judg. xxi. 9.} are ordered to put them to military Execution. They were not in actual Arms against the Government, but they were evidently guilty of *Desertion*; a capital Crime by the military Laws of all Nations, and a capital Crime of very heinous nature in the *Hebrew* Government. All *Israel* held their Inheritances, as we have seen before, by *military* Service; this was the only Defence of the Nation and Government; to desert this Service must greatly endanger the Safety and very Being of the Government itself. It was not only Disobedience to the Authority of the *Hebrew* Nation, and a Violation of the Constitution, but a Disobedience of such nature, as if allowed, must end in the Destruction of the Government: For every one would soon have found out some Pretence or other to excuse their own Attendance. Military Executions are indeed terrible things, but they are design'd to strike Terror in some Cases, the only Means to preserve Obedience, and maintain Discipline, to prevent yet more terrible Evils that may follow on a general Licence to Desertion. Suppose a Tribe of *Israel* had been invaded, and cut off by their Enemies, for want of the Assistance of the other Tribes: Suppose the whole Army and Strength of the Nation cut in Pieces, because weakened by the Desertion of many, who thought it safer to stay at home, and out

out of harm's way, than to run any of the Hazards of War in Defence of their Country, though to save the Lives of Thousands, and preserve the whole Nation from Destruction.

It should also be observed, that in the Heat of War, when Mens Spirits are greatly warmed by high Provocations, they are sometimes tempted to do severe and cruel Things, which a cooler Temper and more sedate Judgment would have prevented; these are the Faults of *Passion*, not the Direction of *Laws*, and so far are to be accounted the Faults of Men, not of a Constitution. I therefore rather take notice of this, as it gives a general Answer to many of the Objections usually made, to the Justice, Wisdom and Goodness of the *Hebrew* Laws, as given by *Moses*. When Men are faulty, how good soever their Characters may be in other respects; let them bear their own Guilt, but let us be careful not to make the Laws guilty, for the Sake of any Man's Weakness or Passions.

The Importance of this Remark may appear in the Case of the *Benjamites* before us. How just, how necessary soever it was, to punish their *Rebellion*; yet it may be allowed without any Reflection, either on the Oracle, or the *Hebrew* Laws, that the Army of *Israel* might carry the Punishment of the *Benjamites* too far, and with a Severity that might exceed all Directions of the Law and Rules of Prudence; and which were by
no

no means either directed or warranted by the Oracle. So that when the People came to consider it more coolly after the Heat of Action, *the People repented them for Ben-* Jud. xxi.
jamin, and even the Elders of the Congre- 15.
 gation consulted how to restore the Tribe again, *that a Tribe might not be destroyed* 21.
out of Israel. It is then very unfair in the *Moral Philosopher*, to ascribe all Actions in this War to the Oracle, or to assert, “ that
 “ the Oracle encouraged the People, and
 “ prompted them to the most bloody and
 “ cruel Outrage that had ever been seen or
 “ heard of.” For which there is not the least Foundation of Truth. The Oracle really directed no more than this, that *Ju-* Judg. xx.
dab, according to ancient Custom, *should go* 18.
up first to Battle: And after the *Israelites* had 23, 28.
 been beaten at first by the *Benjamites*; the Oracle directs the Continuance of the War; and at length the Oracle gives them a Promise of Victory. Now what bloody, what cruel Outrages, are encouraged or prompted by any of these Oracles? It seems they did not take Advice of the Oracle, as they ought to have done, but trusted too much to themselves. The first Question they ask, is, *Which of us shall go up first to the Battle against the Children of Israel*; not whether they should go to War at all. So they began with an irregular Step, which is the likely Reason why they were at first defeated by the *Benjamites*, that they might learn not to trust

trust in their Numbers and Strength, but in the Protection of *Jehovah*. When they last consult the *Oracle*, whether they should continue the War and leave it to God's Direction; they have an Answer, that *God would deliver the Benjamites into their Hands*. This is all the Concern the Oracle had in the whole Case; whatever After-use was made of the Victory, had no Direction from the Oracle, for the Oracle was no ways consulted about it; and therefore it is unrighteous to impute it to the *Oracle*. Let every one then bear his own blame, and answer for himself for any Wrong he has done; what arises either from the *Corruption* of the Constitution, or an undue *Execution* of Laws, are the personal Faults and Misdemeanors of private Men; but are not, by any Rules of Reason, Justice or Equity, chargeable on the Laws or Constitution. How great Reproach soever it may be to those who execute good Laws ill, no fair Reasoner, no honest Lover of Truth will insist upon it, as a just Reproach either on the *Laws* or the *Lawgiver*.

*Case of the
War with
Amalek.*

The foregoing Account of the *Benjamite* Rebellion might sufficiently serve to shew, how the Principles of the *Hebrew* Government are applicable in like Cases, and how they give a satisfactory Answer to like Objections, raised on some other Passages of the *Hebrew* History; but it may not be amiss to make

make their Application more easy and plain, by considering a few Instances more, especially as Attempts have been made to reflect severely on *Samuel* and the Prophets, " as " if they had inflamed, divided and excited " the People to Rebellion* ;" and to those religious Wars, " by which both Kings and " Prophets were at last exterminated, and " the whole Nation perfectly enslaved†."

Let us see how the foregoing Principles shew the Injustice of this Charge in two principal Instances, the one of *Samuel*, in the Times of *Saul*, the other of the Prophets in the Days of *Ahab*.

• *Saul's Expedition against Amalek by Samuel's Direction*, according to the Command of God, is represented as a Project of the Prophet to destroy the King. " It is evident," says our Author so often mentioned, " that this was a Plot laid by the Prophet " for the King's Destruction ; for if he had " not given the Soldiers the Booty or Plunder of the conquered Country, the whole " Army would have mutinied, and deserted ; " since this was what they had never been " denied in all their Wars, and then the " King must have fallen a Sacrifice to the " disappointed and enraged Soldiery, which " was doubtless what the Prophet intended‡." So our Author ; let us see the Truth of this Case.

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Samuel

• Moral Philos. I. 313.

† Id. 304.

‡ Id. 328.

1 Samuel
xv. 1, &c. Samuel came to Saul, and said unto him, *The Lord hath sent me to anoint thee to be King over his People, over Israel. Now therefore hearken thou unto the Voice of the Word of the Lord. Thus saith the Lord of Hosts, I remember that which Amalek did to Israel, how he laid wait for him in the Way when he came up from Egypt. Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both Man and Woman, Infant and Suckling, Ox and Sheep, Camel and Ass.*

Exod. xvii.
14, 15, 16. It appears in the Hebrew History, that when Amalek came out and fought with Israel, that the Lord said unto Moses, *Write this for a Memorial in a Book, and rehearse it in the Ears of Joshua; for I will utterly put out the Remembrance of Amalek from under Heaven. Accordingly Moses built an Altar, or erected a monumental Pillar, which was sometimes the Use of Altars, in Testimony that the Lord will have War with Amalek from Generation to Generation.*

Amalek was the first of the Nations, that made War with Israel, and as a first and chief Enemy of Israel, was sentenced from the Times of Moses to be cut off. A Memorial of this Sentence is erected by Moses in his own Times, to preserve it in constant Memory, that the Hebrew Nation might never forget it, or be ever tempted to enter
into

into Alliances or Friendships with it. It was moreover one of the standing military Laws; with respect to the Cities of those People, which God gave them for their Inheritance, *Thou shalt save alive nothing that breatheth, but thou shalt utterly destroy them.* Deut. xx. 16, 17. This was an original and standing Law of the Constitution, a Punishment severe indeed, but appointed for Persons whose Crimes deserved the severest Punishments; and who, as was shewn before, were wisely made Examples for the Warning of the whole Nation of *Israel*, as well as the Neighbour Nations, to keep themselves from so provoking Abominations.

The same Reasons then, which justify the Punishment of the *Canaanites* in general, will justify the particular Punishment of the *Amalekites*. It is plain in History, that this Sentence against *Amalek* had not been executed when *Samuel* directed *Saul* to take upon himself the Execution of it. The weak State of the *Hebrews* under their occasional Judges, and while they were oppressed by several Neighbour Nations, may account for the Reasons why it had been deferred so long; but now the Power of the Nation was united in a King, *Saul* had gained great Advantages over the *Philistines*, and it was high time to improve those Advantages to a better Settlement of the *Hebrew* Nation in the promised Land, which was of very great Importance to the Safety as well as the

T 2 Prosperity

Prosperity of their Government. And what could be more adviseable than to begin with *Amalek*? Was it unbecoming a Prophet to put *Saul* in mind of a solemn Law and perpetual Edict of *Jehovah*, to root out *Amalek*? Was it unbecoming *Samuel* as a Counsellor, to advise *Saul* to begin with an ancient, dangerous and inveterate Enemy, the more dangerous as they were ready to attack the *Hebrews* behind, if ever they should be put to defend themselves against any new Attempts of the *Philistines*, a rich, powerful and formidable People, as *Saul*, notwithstanding the Subjection of the *Amalekites*, soon found with the Loss of his Life?

Where now is it evident in this History, that (as our Author observes) this was a Plot laid by the Prophet for the King's Destruction? The Crimes of *Amalek*, the Sentence pronounced against *Amalek*, the monumental Pillar to keep it in perpetual Remembrance, were all as old as the Days of *Moses*, above three hundred Years before *Samuel* or *Saul*, either the Prophet or the King were born. But it may be the Plot did not lie in this, that *Saul* was exhorted to make War with *Amalek*, because the Lord had said, I will have War with *Amalek* from Generation to Generation, or till that evil Generation was rooted out. *Samuel's* Plot, it should seem, rather lay in this, that he had ordered all the Spoil or Booty should be destroyed, and not given to the Army.

For,

For, says our Author, " if he (*Saul*) had
 " not given the Soldiers the Booty or Plun-
 " der of the conquered Country, the whole
 " Army would have mutinied and deserted ;
 " since this is what they had never been
 " denied in all their Wars, and then the
 " King must have fallen a Sacrifice to the
 " disappointed and enraged Soldiery, which
 " was *doubtless what the Prophet intended.*"
 Amazing Confidence ! so positive in assert-
 ing what is so groundless, and so false.

What ! had the Army never been de-
 nied the Booty in all their Wars ? Who, that
 had ever read the Crime or Punishment of
Achan, but would blush at asserting what is
 so evidently false, unless every thing must
 be right with a Moral Philosopher, if it
 may serve for Matter of Accusation against
 a Prophet.

At the Siege of *Jericho*, the City was
 put under an Anathema or Curse, almost
 in the same Words as *Samuel* uses concern-
 ing *Amalek*, and the City shall be accursed, Jos. vi. 17.
it and all that are therein, to the Lord.
 This military Anathema or Curse was the
 Hebrew Phrase for military Execution ; the
 Effects of which are thus explained, *And* 21.
they utterly destroyed all that was in the City,
both Man and Woman, young and old, and
Ox, and Sheep, and As, with the Edge of
the Sword.

But *Achan* committed a *Trespafs* in the
 Jos. vii. 21. accursed thing ; for he saw among the Spoils
 a goodly *Babylonish* Garment and two hun-
 dred Shekels of Silver, and a Wedge of Gold
 of fifty Shekels weight, and he coveted and
 took them : For this Crime he was con-
 demned to Death, all *Israel* stoned him with
 Stones, and his Memory was afterwards
 mentioned with Ignominy as the Troubler
 of *Israel*.

Was it then *doubtless*, the Intention of
Samuel to raise a Mutiny in the Army a-
 gainst *Saul* for denying the Spoils, which
 was what they had never been denied in all
 their Wars ; *doubtless*, an old Prophet and
 Judge in *Israel* could not intend any such
 thing ; for he could not, indeed hardly any
 one *Israelite* could be ignorant of the direct
 contrary, if only from the exemplary Punish-
 ment of *Achan*.

The Disobedience of *Saul* in this Case,
 was really a very aggravated Fault. It was
 not only assuming to himself a dispensing
 Power, but it was a direct Violation of the
 Original Laws of *Jehovah* ; which, we have
 already seen, were sacred and unalterable
 by the Constitution.

Now to assume and exercise a Power of
 dispensing with and suspending of Laws,
 was justly understood by our Legislature,
 as a principal Evidence, that the late King
James II. did endeavour to subvert and ex-
 tirpate

tripate the Laws* and Liberties of this Kingdom. This fair Representation of the Case, may shew how unfairly the Conduct of the Prophet *Samuel* is reflected upon, not only without any Foundation of Truth, but even against the plainest Evidence of Truth to the contrary.

The Case of the Prophets in *Abab's* *Case of the Prophets in the Days of Ahab.* Title, is full out as plain. I shall say nothing of the Character or Authority of the Prophets, which, besides that the Consideration of them is in an abler Hand†, is not very material to the Question before me. I am only to shew how the foregoing Principles of the *Hebrew Civil Government* will entirely remove all those Objections arising from this Part of the *Hebrew History*, so far as the Revelation of *Moses* can be concerned in it. For it is to be observed, that no Man's private Behaviour, tho' bred in the Schools of the Prophets, can be any just Reflection, either on those Schools, or their Institutions; least of all, on the Original Laws and Constitutions of *Moses*. Who was ever so unreasonable, as to make the private Misbehaviour of Persons bred in any Universities, whether Fellows of Colleges, or Heads of Houses, a Reflection on Nurseries of Learning? Who ever inferred from thence that Precepts of Virtue were not taught in them,

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* Stat. I. *Wm. and Mary*, Sec. ii. c. 2.

† *Leland*.

them, because some of their Scholars proved vicious, notwithstanding their Education.

If then four hundred Prophets, or four times as many Persons, educated or living in the Colleges of Prophets, should think it for their Interest to court King *Abab* and Queen *Jezabel*, and prophesy smooth Things, such as should please them, however false; what is this to *Moses* and his Revelation, to the Character and Authority of true and faithful Prophets? *Micajah*, a true Prophet, calls these four hundred *Abab's* Prophets, not the Lord's. *Now therefore the Lord hath put a lying Spirit in the Mouth of all these thy Prophets, and the Lord hath spoken Evil concerning thee.* These Court Prophets, who gave themselves up to a Spirit of Falshood to please the King, are yet by our Author shrewdly supposed "to have conspired together to send King *Abab* up to *Ramoth Gilead*, that he might there fall in Battle; which took effect, and the King was slain, though they had all assured him in the Name of the Lord, that he should gain the Victory and return in Peace*." True, all *Abab's* own Prophets had given him such Assurance; but *Micajah*, the true Prophet of the Lord, had assured him of the contrary; for which Freedom the King committed him to Prison, and ordered him to be fed with the Bread and Water of Affliction. You see thus plainly, neither

1 Kings
xxii. 23.

27.

* Moral Philos. I. 315.

neither the true Prophets of the Lord, nor any of the Laws or Constitutions of the *Mosaic* Revelation, are the least concerned in this Case of *Abab*. You see further how groundless it is to charge even these Court Prophets with a Conspiracy to send the King to War, that he might fall in Battle. The History shews how much *Abab* loved to be deceived; when it was proposed to consult *Micaiah*, he said, *I hate him, for he doth not prophesy Good concerning me, but Evil*; ^{1 Kings} ^{xxii. 8.} but *Abab's* Prophets were much better Courtiers, they aimed only at pleasing him; and what Advantage could these Prophets have, by a Conspiracy against *Abab's* Life? They might hope something from his Favour while he lived, but had little to expect, if by his Death the Credit of the true Prophets of the Lord should be revived. But to return from the Misconduct of the false Prophets to the Conduct of the true.

Our Author observes, " Experience by
 " this time had evinced, that it was im-
 " possible for the regal Power and prophe-
 " tick Office to subsist together, and there-
 " fore *Abab* hoped to have put an End to
 " this holy Order, and thereby have cut off
 " the Occasion of any more religious Wars
 " He therefore seems to have
 " formed a Design, and laid a Scheme, if
 " possible, to root them out, and to esta-
 " blish some other Religion more friendly
 " and beneficent to Mankind; and that
 " might

“ might not obstruct his Alliances with other
 “ Nations*.” So our Author represents the
 Idolatry of *Abab* in comparison with the
 Worship of the true God, as the established
 Religion of the *Hebrew* Nation. *Abab* had
 married *Jezabel*, Daughter of the King of
Zidon, an Idolater: “ She was a Woman
 “ of great Policy and Contrivance, by whom
 “ he might execute his Designs without
 “ seeming to be directly engaged in it him-
 “ self. She laid a Scheme for the Destruc-
 “ tion of the Lord’s Prophets, and for which
 “ (as our Author tells us) she seemed to have
 “ had some Appearance of natural Justice.”
 The Prophets it seems were against a Tole-
 ration of Idolatry, or a Suspension of the
 Laws against Idolaters in the *Hebrew* Go-
 vernment; by King *Abab*’s Prerogative; but
 Queen *Jezabel* thought this Zeal of the Pro-
 phets “ contrary to the Law of Nature and
 “ Nations; and therefore she laid a De-
 “ sign for the Destruction and Extermina-
 “ tion of these Prophets, as Enemies not
 “ only to their own Country, but to the
 “ common Peace and Tranquility of the
 “ World†.” And, does our Author think
 so too? Would he have his Readers think
 thus with Queen *Jezabel*, and justify her
 Design for the Destruction and Extermination
 of the Prophets for these Reasons. Let the
 fore-

* Moral Philos. I. 312.

† Id, 314.

foregoing Principles of the *Hebrew* Government determine the Case.

We have seen the Justice, Wisdom and Goodness of putting a stop to Idolatry, by the *Hebrew* Constitution ——— that Idolatry was High-Treason in the *Hebrew* Government ——— that the Prohibition of Marriage with Idolaters being one of the Original Laws of *Jehovah*, was unalterable, and not to be dispens'd with, by any Power or Authority in that Government. ----- That a Toleration of Idolatry in that Government was subversive of the chief Design and principal End of the Constitution, irreconcilable to common Sense, as well as to political Wisdom. ——— That it was a Breach of the Covenant of *Jehovah*, or of the Original Contract between *Jehovah* and the Nation, and of the Oath of Allegiance to *Jehovah*, by which all Persons were bound from the lowest of the People to the highest Magistrate.

What sort of Persons then must the Prophets have been, if they could have fallen in with King *Abab*'s Design, to abolish the Worship of the one true God, in order to introduce Idolatry as a more friendly Religion, and more beneficent to Mankind? If they could have thought with Queen *Jezabel*, that the Punishment of Idolatry, according to the Laws of the *Hebrew* Government, was contrary to the Law of Nature and Nations, what honest Man in all

all *Israel*, Prophet or no Prophet, but would have endeavoured, as far as he lawfully might, to prevent the utter Subversion of the Religion, Laws and Constitutions of his Country, on which his own Liberties, Property and Happiness did depend. For the same Power that destroyed the Constitution, might destroy every Man's Rights and Properties, which were only to be supported by it. *Naboth's* Right to his Vineyard would be brought to depend on the King's Will, as much as the Laws against Idolatry.

The Wisdom of our Government has declared it inconsistent with the Safety and Welfare of this Protestant Kingdom, to be governed by a Popish Prince, or by any King or Queen marrying a Papist; and therefore it is enacted*, that every such Person shall be excluded, and be for ever incapable to inherit, possess or enjoy the Crown and Government of this Realm. ---- And in all and every such Case or Cases, the People of these Realms shall be, and are hereby absolved of their Allegiance.

If Queen *Jezabel* would have thought these Methods of Preservation against the Danger of Popery contrary to the Laws of Nature and Nations, I hope no honest *Englishman*, who has seen in Experience, that Popery is inconsistent with the Safety and Welfare of this Protestant Kingdom, but

* 1 W. & M. Sec. ii. c. 2.

but will own it to be a wise and necessary Provision, to preserve his Religion, Liberty and Property, and endeavour to prevent the least Breach in this Security to our Happiness from the present Protestant Succession. Whether Idolatry was not as inconsistent with the Safety and Welfare of the *Hebrew* Government, let every Man judge?

I shall but just take notice of one Observation more of our Author's, in this Charge against the Prophets: "That every King
" and Royal Family, who could not come
" into these Measures, were marked out for
" Destruction; and the most formidable
" and bloody Rebellions raised against them
" for encouraging and supporting Idolatry.*" This Charge of Rebellion against Kings and Royal Families sounds great, and may perhaps lead unthinking People to imagine some divine hereditary Right of Succession in these Kings and Royal Families; and that it must be an heavy Aggravation of Rebellion in the Prophets, to oppose the Exercise of the Royal Prerogative for the Establishment of Idolatry. But pray observe who these Kings and Royal Families were; *Ahab* was the Son of *Omri*, a general Officer, who came to be King by slaying *Zimri*, who had conspired against *Elah* his King, and killed him. *Elah* was the Son and Successor of *Baasha*, who began his Royal Family by conspiring against, and

* Moral Philos. I. 303.

and slaying *Nadab* the Son of *Jeroboam* ; and this *Jeroboam*, the Founder of his Royal Family, obtained his Crown by a Revolt from the Kingdom and Family of *David*. You see, here are three Royal Families of *Omri*, *Baasha* and *Jeroboam*, all of them founded in less than fifty Years ; all of them founded by Subjects either conspiring against their Kings, and slaying them, or revolting from them. In which of these Royal Families was the divine Right of hereditary Succession ? If in none of them, what will all this Outcry of formidable and bloody Rebellions against every King and Royal Family amount to ? In a Word, it was by the *Hebrew* Government an essential Limitation of the Power and Prerogative of every Magistracy whatever, of the Congregation of all *Israel*, of the national Senate, of the Judge, and of the King, whether separately or jointly, that their Power did not extend to repeal the Laws against Idolatry, or to dispense with the Execution of them : For it was a Breach of the first Covenant, or original Contract between *Jehovah* and the *Hebrew* Nation, which required they should have no other Gods before him. It could not therefore possibly be Rebellion, to oppose all Attempts against the Laws, Rights and Liberties of the Nation. It would have been Rebellion against the Government, not to have endeavoured to support and maintain it, against

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gainst all such Attempts of an unlawful Prerogative.

Upon the whole, considering the true Design of the *Hebrew* Government, the several Parts of it will, I hope, appear wise and well chosen to answer the Ends proposed by them. And as the Design of erecting a Government to put a stop to Idolatry, and to preserve in it the Knowledge and Worship of the one true God, the best Principles of Virtue, of private and publick Happiness, appears a kind and good Design, as well as agreeable to Justice : It will prove an unanswerable Defence of that Part of Revelation, and shew from the Constitution of the Government itself, how weak, how groundless, how false the usual Objections against it really are.

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AN
APPENDIX
TO A
DISSERTATION
ON THE
CIVIL GOVERNMENT
OF THE
HEBREW S.

IN WHICH
Some Parts of that GOVERNMENT are further
explained and vindicated.

AND
Some more unfair and false Representations of
it by the Moral Philosopher are detected.

By **M O S E S L O W M A N.**



APPENDIX

TO A

DISSERTATION

ON THE

CIVIL GOVERNMENT

OF THE

HEBREW S.

THE Author of the Moral Philosopher has been pleased, in his third Volume, to take Notice of a Dissertation on the Civil Government of the *Hebrews*, principally with relation to some Observations which were made on the very extraordinary Account given by the M. P. of the *Levitical* Revenues. Our Author passes over in Silence the Design of the *Hebrew* Government to preserve the Knowledge and the Worship of the one true God from the spreading, and almost universal Corruption of the World by Idolatry, to put some Stop to the many barbarous, immoral and inhuman Rites, to the enormous Acts of Vice and Wickedness which were encouraged by the very Idols

themselves, which were worshipped as Gods, and which shew'd the Punishment of the *Canaanites* as an Example to other Idolaters, and as a Caution to the *Hebrews*, a Design, worthy the Goodness, as well as the Wisdom of God, and no ways inconsistent with the Justice of God, as the Moral Philosopher would represent it. He is as silent to what was offered with respect to the Cases of the *Benjamite* Rebellion, *Saul's* War with the *Amalekites*, and the Behaviour of the Prophets to the idolatrous King *Ahab*: He had loaded all these with all manner of Reproach, with the keenest Reflections on the Prophets, on *Samuel*, and on the Oracle itself. The Prophets, were represented as having inflamed, divided and excited the People to Rebellion, and to those religious Wars, by which both Kings and Prophets were at last exterminated, and the whole Nation perfectly enslaved. He had represented the Expedition of *Saul* against *Amalek* by *Samuel's* Advice, as a Plot laid by the Prophet for the King's Destruction; and that in the *Benjamite* Rebellion, the Oracle had encouraged the People, to the most bloody and cruel Outrage, that had ever been known or heard of, that an Injury done to a single *Levite*, was thought fit to be revenged by cutting off a whole Tribe, Root and Branch, without any Regard to natural Justice, or the least Bowels of Mercy or Compassion. He had every where asserted, that the *Hebrew* Constitution was contrived partially, to favour the

Heb. Gov.
275.

ib. 255.

the particular Interests of the *Levites*, and to draw the Power and Wealth of the Nation into their Hands.

The Dissertation on the Civil Government of the *Hebrews*, proposed to shew, from the Laws of the Constitution itself, that these Reflections were without any Foundation of Reason, contrary to historical Truth of Facts, inconsistent with the Design and Frame of the *Hebrew* Government, and to the several Parts of the Constitution.

For it appeared, from the whole Plan of the Government, that its Balance was so well fixed, that no one Part had Power to overbear the rest, in particu'ar that the Constitution had taken effectual Care it could not be in the Power of the *Levites*.

ib. c. xiii.

It appeared, from the Constitution, that the *Benjamites* were punished for levying War against the Government, and whole *Hebrew* Nation; so that it was an heinous Act of High-Treason, and not a private Injury, that they were punished for. It appeared that the Expedition of *Saul* against *Amalek* by *Samuel's* Advice, was not, could not be a Plot laid by the Prophet for the King's Destruction; the Crimes of *Amalek*, the Sentence against *Amalek*, the Monument to keep them in Remembrance, were some hundred of Years older than either *Samuel* or *Saul*; and the Disobedience of *Saul* in this Action, was a very aggravated Fault, in assuming a dispensing Power, in direct Violation of the Constitution.

stitution. Our Author had allowed, that *Abab* had formed a Design, if possible, to root out the Prophets, and to establish some other Religion more friendly and beneficent to Mankind; or that *Abab* intended at least to dispense with the Laws against Idolatry, if not to establish Idolatry as the national Religion. Such Attempts, it was observed, would have been a manifest Breach of the original Contract between *Jehovah* and the Nation, by which the highest Magistrates were bound, as well as the lowest of the People. Every honest Man therefore in *Israel*, Prophet, or no Prophet, was concerned to prevent, as far as he lawfully might, an utter Subversion of the Religion, Laws, and Constitution of his Country, on which his own Liberty, Property, and Happiness must depend. It was highly unreasonable and unjust to charge Endeavours for preserving the Constitution against an unlawful dispensing Power, as formidable and bloody Rebellions raised against every King and Royal Family, without taking any Notice at all that Idolatry was absolutely inconsistent with the Safety, Welfare, and whole Constitution of the *Hebrew* Government. And every one, who should have given any Countenance to such Attempts, must have been guilty of a traiterous Attempt to depose *Jehovah*, and of High-Treason against him, as the supreme Civil Governor of *Israel*.

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According to the Rules of Reasoning, the M. P. having said nothing in answer to these Facts, the Reader is allowed to conclude still, that such Objections as these against the Constitutions of *Moses*, only shew either an utter Ignorance of the *Hebrew* Government, or Heb. Gov. such good Will to censure and condemn it, ⁴ as dares first falsify its Constitutions, in order afterwards to censure them, as criminal or ridiculous. Facts are stubborn things, and will not yield either to Strength of Imagination, or to the Arts of Misrepresentation; so that all our Author's Reasonings, as they are unsupported by the History or Laws of the *Hebrew* Nation, and are contrary to both, must be fallacious, for one plain Reason, because they conclude against Facts.

The M. P. has indeed made one Observation, that I go all along on the common Mor. Phil. V.iii. 339. Supposition, that the *Hebrew* Government was a Theocracy, and of immediate Divine Institution, in which God himself condescended to be their King and Civil Sovereign. “ This, with many others, who had gone Pref. vii. before me, he says, I have taken up for granted, and argued from it without Proof. “ I am said to assume, as others had done before me, the Theocratic Constitution of *Moses* as a *Postulatum*, that he cannot see “ I have offered any thing in Proof of it, “ but the Authority of *Moses* himself, which “ is the very Thing, he says, in dispute.

I can hardly tell how to believe, our Author really thinks, that what he calls the very Thing in dispute, is a Thing at all in dispute between him and me. The real Question, in which alone I am concern'd, is this, What was the *Hebrew* Constitution and Government, as it appears in the History and Laws of the *Hebrew* Nation? What was the Government *Moses* establish'd, and the People receiv'd from him in the Name of *Jehovah*? Now, what can prove this so well, as the Records of the History and Laws of that Nation themselves? The only Question before me, being a Question of Fact, what the *Hebrew* Constitution was according to Law? I had no Question at all concerning the Authority of *Moses*, whether it was Divine or Human, of divine Original, or according to our Author, a sacred Imposture? For my Question was not, by what Authority *Moses* gave his Law, but what that Law was, which he published in the Name *Jehovah* to *Israel*?

282.

Now the Laws of the *Hebrew* Government, as delivered by *Moses*, were manifestly on the Plan of a Theocracy: *Jehovah* was proposed to the *Hebrew* Nation as their Civil Sovereign by *Moses*, and received and acknowledged as such by the unanimous Consent and Vote of the whole Nation. *David* therefore justly calls the *Hebrew* Government, *the Throne of the Kingdom of Jehovah over Israel*. This I had proved from the History and Laws of

1 Chron.
xxviii. 5.

of the *Hebrews*, as they are on Record in their own most ancient Writings. And is not this the best, indeed the only Proof of what the *Hebrew* Government was, in its original Constitution? If I had offered any other Proof, it had been impertinent; because nothing to the Argument; for every Government really is just what it is, and cannot be any other than what it is, whatever Original it may have. The Laws, for Instance, of *Numa*, are just what he gave the *Romans*, let the Motives he used to enforce their Authority be real or pretended.

I had proved, that the History and Laws of the *Hebrew* Government manifestly shewed a Theocracy, and that the *Hebrews* did actually receive and own *Jehovah* for their civil Sovereign. Does the M. P. dispute this with me? Here his own Words: "The Angel³¹⁴
 " *Jehovah*, he says, had never been known
 " under that Name till the Time of *Moses*;
 " for tho' the same Angel had often appear-
 " ed, walk'd up and down and conversed
 " with Men before, yet he had never till
 " now taken the Name of *Jehovah*, which
 " was peculiar to the Supreme Being; but
 " *Moses* now first deify'd this Angel, because
 " he must have a local, tutelar, oracular God,
 " and could not have governed the World
 " without it." And again, "The *Israelites*,
 " from the Days of *Moses*, believed their na-
 " tional, tutelar God to be *Jehovah*, or the
 " Supreme God." In this Account of our³¹⁵
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M. P. with all its Mistakes and Contradictions in other Particulars, it appears he allows that *Moses* taught, and the *Israelites* from the Days of *Moses* believed, their national, tutelar God to be *Jehovah*, or the Supreme God, or that it was the Supreme God, who they believed brought them out of *Egypt*, gave them their Laws, Civil and Political, as well as Moral, and often directed them by his Oracle; so that, according to our Author, the *Israelites* believed *Jehovah* was the Person who acted so many Ways as their Civil Sovereign. Thus far the M. P. seems to have no Dispute with me at all.

I have been so particular to set the true State of the Question before the Reader, that he may not be misled from the real Question to one of a quite different Nature, and be deceived by what our Author suggests, that I have taken for granted, what I ought to have proved in my Argument: He will see I have fully prov'd all that I was to prove, that the History and Laws of the *Hebrews* make their Government a Theocracy; and he will further see, I hope, that another Question which our Author has endeavoured to shuffle into the Room of it, is nothing to the Purpose of my Argument, and which I had no Concern to prove at all.

With our Author's good Leave, the very Thing in Dispute between him and me, was, Whether the *Mosaical* Constitutions, or the Government and Laws of the *Hebrews* were
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in themselves unwise, unequal, unjust, tyrannical and cruel? Whether they were a Refinement on the Superstition of *Egypt*? And to suppose or affirm any of them of the true God, must be equally absurd and blasphemous. This was the Question on which I join'd Issue with our Author, by denying the Charge, and endeavouring to shew, by a fair Representation of the *Mosaical* Constitutions and Laws, that they were wise, just and good in themselves, formed on a good Design, and on a wise Plan: This is really the only Dispute between us; and the Reader will observe, if the Moral Philosopher had proved never so clearly that the *Hebrew* Constitution had no other Foundation than human Polity, it would not have proved what he was to have proved, to make good his own Charge, that the Laws themselves were unwise, unjust, tyrannical and cruel, for that was the Charge our Author had exhibited against them.

Let it then be observed, tho' I have only proved the Theocracy from the ancient History and Laws of the *Hebrews*, which the M.P. calls taking it as a *Postulatum*, there is nothing at all wanting to my Argument: For tho' I left the Proof of the divine Authority of *Moses* as a Lawgiver, to that Evidence which has been so fully and so unanswerably given by others, still the Fact is plain, *Moses* taught, and the *Hebrews* believed, a Theocracy; this our Author him-
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self allows, and was all my Argument wanted, which was, from this Design and general Plan of the *Hebrew* Government, to shew the Wisdom and Equity of the particular Laws of that Constitution.

I must therefore take leave to think myself no ways accountable to give any Answer at all to his Romance, concerning the first Rise and Original of the *Hebrew* Theocracy, which is just such another Conceit as that the *Israelites*, while in *Egypt*, had been much amaz'd and surpriz'd with the infallible Declarations and Decisions of *Jupiter Hammon*, when our Author *now* owns himself, that the Practice of deifying Heroes and Great Men did not begin till *Solomon's* Time, when *Sefac*, or *Sesoftris*, built a Temple to his Father *Ammon*, whose Daughter *Solomon* had taken for his Queen; that is, *Ammon* was born some Hundreds of Years after *Moses* had led the Children of *Israel* out of *Egypt*.

M. P. iii.
162.

Yet that the Reader may not be induced to give Credit to this Romance, from the Air of Truth and History with which it is deliver'd, I shall give him a Specimen, to shew how groundless those Facts are which he alleges in Support of it, and that the Principal of them are contrary to the Truth of History and Chronology. According to our Author, “ *Moses* only form'd and establish'd
“ an independent Government and King-
“ dom of his own, upon the very same Plan
“ of Priesthood which *Joseph* had settled
“ in

“ in *Egypt* above two hundred Years before.” So that our Author in giving his Account of the Rise and Original of the Theocracy, very freely takes two Things for granted; the one, that *Joseph* had settled in *Egypt* an independent Government and Kingdom in the Priesthood; the other, that *Moses* form’d and establish’d his own Government and Kingdom, upon the *same Plan* of Priesthood which *Joseph* had settled in *Egypt* above two hundred Years before: Both these, on Examination, will appear not only to be groundless, but contrary to Truth.

“ *Joseph* (our Author says) had obtain’d a Decree or Ordinance from *Pharaoh*, which made the Church Lands unalienable, and irrefumable by the Crown, by which Means the Priesthood in *Egypt* became hereditary, and independent of the Crown.” In what History, in what Record did our Author find this Decree or Ordinance of *Pharaoh*’s? Has our Author Authority to make what History he pleases, and impose it on the World without any Voucher at all? Our Author, indeed, mentions one Text of Scripture, which he thus misrepresents to his Reader, “ The Priest’s Lands sib. p. 21. were not seized or taken too, *because they* Gen. xlvii. *were not* *Pharaoh’s*, v. 26.”

I think it would be right, if Authors, when they quote Texts, especially when they use them as Proofs and Arguments, would first read them: I have read this Text over and



and over again, and can neither find the Words our Author quotes, nor the Sense he would impose upon it : Let the Reader see whether he can find either : The Words of the Text are these: *And Joseph made a Law over the Land of Egypt unto this Day, that Pharaoh should have a fifth Part, except the Land of the Priests only, which became not Pharaoh's.* Are these the Words the M. P. has given us for the Text, the Priests Lands were not seized or taken too, because they were not *Pharaoh's*. This Law speaks of no Lands seized or taken away : *Joseph* had already bought all the Lands of *Egypt* for *Pharaoh*, ver. 20. *only the Lands of the Priests bought he not*, ver. 22. Now this Law which charg'd the Lands of *Egypt* with a fifth Part as a Land-Tax to the Crown, was really restoring Lands, and not seizing them ; it was returning the Land of *Egypt* which *Pharaoh* had bought, back again to the Proprietors, subject only to a Subsidy of Four Shillings in the Pound. This, if our Author pleases, may be considered as an Improvement of the Revenues of the Crown, and so as an Addition to the Strength and Power of the Kings of *Egypt* ; but sure it was not a very politick Way to make the Priesthood independent of the Crown. The Priests had their Lands, it is true, free from this new Tax or Subsidy, because they became not *Pharaoh's*, as the other Lands of *Egypt* then were. *Joseph* having bought the Land
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of *Egypt* for *Pharaoh*, except the Lands of the Priests : When the Lands were restored by a new Grant, reserving a fifth Part to the Crown, the Lands of the Priests not being within the Grant, could not be subject to the Tax, or reserv'd Rent. So that the Priests, notwithstanding this Law, held their Lands just on the same Tenure, which they did before the Famine, whatever that Tenure was. Here is not one Word, " That "*Joseph* had obtain'd a Decree or Ordinance from *Pharaoh*, which made the " Church Lands unalienable and irrefumable by the Crown, by which Means the " Priesthood in *Egypt* became hereditary, " and independent of the Crown." On the contrary, this Law shews the Priests held their Lands just as they had done before, only free from the general Sale of the Land of *Egypt* to *Pharaoh*, and to the Subsidy agreed upon when those Lands were restor'd. So that by this Law the Crown got, indeed, a considerable additional Revenue and Power, but the Priesthood nothing at all.

The Truth is, *Moses* was so far from following the same Plan of Priesthood which *Joseph* had settled in *Egypt* two hundred Years before, that it was impossible he should do so, for *Joseph* had never settled any Plan of Priesthood in *Egypt* for *Moses* to follow : He left the Priests and their Lands just in the same Condition he found them : He made no Alteration in Favour of their
Power,

Power, or Independence on the Crown : So that this supposed Plan of *Joseph's* is really nothing more than a Plan formed in our Author's own Imagination.

But our Author's further Supposition, that *Moses* only follow'd the same Plan of Priesthood which, he says, *Joseph* had settled in *Egypt* two hundred Years before, is yet, if possible, more apparently contrary to historical Truth.

Our Author, in his Account of the Plan, which he supposes *Joseph* had settled in *Egypt*, observes, " He managed Matters so
 Mor. Phil. *gypt*, observes, " He managed Matters so
 II. 21. " well as to divide the whole Power and
 " Property of *Egypt* between the Church
 " and the Crown ; this gave them an Op-
 " portunity and Power to work up the Peo-
 " ple into the highest and greatest Supersti-
 " tion, and into an absolute blind Obedience
 " and Resignation to themselves." And does
 our Author really think he can persuade any
 one Man to believe that *Moses* afterwards
 form'd the *Hebrew* Priesthood on this Plan,
 when it is so very plain, that the *Mosaical*
 Plan of Priesthood and Government is not
 only very unlike it, but in the more essential
 Parts directly contrary to it? The *Mosaical*
 Constitution, instead of giving the Priests a
 vast Property in Lands independent of the
 Crown, expressly forbids them to have any
 Property in Lands at all, more than was just
 necessary for their Habitations. The Con-
 stitutions of *Moses* had divided the whole
 Land,

Numb.
 xviii. 20.

Land, and therewith the whole Power and Property of the Holy Land, among the People, and their Title was made by express Law hereditary, and unalienable; and yet by the Plan made by our Author for *Joseph*, the whole Power and Property of *Egypt* were divided between the Priesthood and the Crown, and the People had no Share in either.

In the supposed Plan of *Joseph*, there is not the least Appearance of a Theocracy; no mention so much as of an Oracle, to direct any of the Councils or Acts of Government: On the contrary, the Oracle of *Jupiter Ammon*, which is the first that appears among the *Egyptians*, was not, according to our Author's own Account, older than the Days of *David* and *Solomon*, and therefore could not possibly be made use of in the Days of *Joseph*; and yet our Author takes this to have been the Rise and Original of the *Mosaic* Theocracy, when neither did *Joseph* make any Plan, nor could *Moses* form his Plan after one, which is almost in every thing opposite, and contrary to it.

I need say very little to another Fable the M. P. has taken up from *Manetho*, and others who have followed him, that the Shepherds driven out of *Egypt* were the *Israelites* under the Conduct of *Moses*. Two Pages of the illustrious Sir *Isaac Newton*, are an unanswerable Refutation of that Mistake: "He ^{Newton's} observes, from *Diodorus Siculus*, that in ^{Chron.} *Egypt* there were formerly Multitudes of ^{204, 205.}

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" Strangers

“ Strangers of several Nations, who used fo-
 “ reign Rites and Ceremonies in worship-
 “ ping the Gods, for which they were ex-
 “ pel’d *Egypt*; and under *Danaus*, *Cadmus*,
 “ and other skilful Commanders, after great
 “ Hardships, came into *Greece* and other
 “ Places; but the greatest Part of them came
 “ into *Judæa*, not far from *Egypt*, a Coun-
 “ try then uninhabited, and desert, being
 “ conducted thither by one *Moses*, a wise
 “ and valiant Man, who, after he had pos-
 “ sels’d himself of the Country, among other
 “ Things, built *Jerusalem* and the Temple.”
 “ Here, says our illustrious Author, *Diodo-*
 “ *rus* mistakes the Original of the *Israelites*,
 “ as *Manetho* had done before him, con-
 “ founding their Flight into the Wilderness,
 “ under the Conduct of *Moses*, with the
 “ Flight of the Shepherds from *Misobrag-*
 “ *matheosis*, and his Son *Amosis*, into *Phæni-*
 “ *cia* and *Afric*.”

Now that *Manetho* must have been under
 a Mistake, with respect to *Moses*, and the O-
 riginal of the *Israelites*, is evident, or all the
 rest of the Account must be false: Here are
 three Chronological Marks to fix the Time
 of the Flight of the Shepherds, absolutely in-
 consistent with the Time when *Moses* led the
Israelites out of *Egypt*; for this Flight of the
 Shepherds was in the Times of *Amosis* King
 of *Egypt*, of the Settlements of *Danaus* and
Cadmus in *Greece*, and of the building of the
 Temple at *Jerusalem*. Sir *Isaac* has shewn,
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with an Evidence hardly to be expected in a Point of so distant History, that the Reign of *Amosis*, Father of *Ammon*, the Settlements of *Danaus*, *Cadmus*, and others in *Greece*, fell in near with the building of the Temple of *Solomon*, and so about the Time of the first Kings, which it will be past our Author's Skill to settle in the Days of *Moses*. If then these Chronological Marks are true, they demonstrate *Manetho's* Mistake with respect to *Moses*, and the Original of the *Israelites*; if they are not true, it utterly destroys the Credit of *Manetho*, and of his whole History, and with it all the Moral Philosopher's fine Reasonings upon it.

I have thought it not improper to point out these few palpable Errors, among many others, in this romantick Account of the Origin of the *Israelites*, and their Theocracy; but it will hardly be worth while to enter into a further Confutation of it. I proceed therefore to what the M. P. seems chiefly to aim at with respect to the Dissertation on the *Hebrew* Government, which is to vindicate in some measure the very extraordinary Account he had given of the *Levitical* Revenues, to represent the Provision made for that Tribe an heavy Oppression of all the other Tribes, and that *Moses* had knavishly design'd to draw the Power and Wealth of the Nation into the Hands of his own Family by it. I therefore endeavour'd a truer Account of the *Levitical* Revenues, than I thought

our Author had given ; with what Success the Reader is left to judge : That it was with some Success, I have reason to hope, from the very considerable Articles our Author himself is pleased to allow in his new Account, were overcharg'd in his first.

Before we examine his new Account, it will be proper to settle old Accounts as well as we can. The M. P. in his first Account had charg'd, as Part of the *Levitical* Revenues, a Poll-Tax, which, according to his Computation, amounted to One Million Two Hundred Thousand Pounds a Year, and would have amounted, in the several Payments from *Moses* to the Destruction of *Solomon's* Temple, to no less a Sum than a Thousand Millions Sterling : This very extraordinary Article our Author is pleased himself to strike out of his Account, as an Overcharge ; for he tells Dr. *Leland*, " As to the
 Mor. Phil. V.iii. 294. " Poll-Tax which I have mentioned, I think
 " the Author has justly excepted against it ;
 " and as I am not, on second Thoughts, satisfied with it myself, I freely give it up."

There was another very extraordinary Article concerning the Proportion of the *Levitical* Cities to the Lands of the *Hebrews* : Tho' our Author is not for giving this Article up, yet he is pleas'd to allow a very great Abatement. In his first Account he says,
 Heb. Gov. 108. " The Lands of the *Levites* would seem to
 " amount to a seventh Part, however he
 " charges them as a tenth." But in his new Account

Account he does not insist on a tenth, or a twentieth, or even a thirtieth Part, but himself settles it at a thirty-third Part. This Abatement is too considerable to be overlook'd; by it our Author allows, that in his former Account he had overcharg'd the Proportion of the *Levitical* Lands above two thirds, or a tenth, instead of a thirty-third Part, equal to charging ten Pounds instead of three Pounds on every hundred Pound *per Annum*: So that the Over-reckoning in this Article alone, amounted to the Value of seven Pounds a Year on every hundred Pound a Year throughout the whole *Hebrew* Territory, which at twenty-five Years Purchase is equal to an Over-charge of One hundred seventy-five Pounds on every hundred Pound *per Annum*; a very great Sum on the whole Land.

Nor is this Abatement, great as it is, half what our Author ought to have made, as will clearly appear, on a little Examination of his new Account. The Moral Philosopher first objects to my Computation of the Contents of the *Levitical* Cities, that I only measure the open Fields without the Walls, which was two thousand Cubits every Way from the Walls without, as our Author says, but without any Proof. I had observ'd it was the Opinion of many learned Men, that the two thousand Cubits were to be measured from the Centre of the Ground, and so from the Middle of the Cities. I had confirm'd

Numb.

xxxv. 4, 5.

this Opinion, by the Directions of the Law itself; *And the Suburbs of the Cities, which ye shall give the Levites, shall reach from the Wall of the City and outward a thousand Cubits; and ye shall measure from without the City on the East Side two thousand Cubits.* The Meaning of which Law I thus understood, that these different Measures could not be meant of one and the same Measure, to and from the same Places; that the first Measure seems to have been directed from the Wall outward to the End of the Suburbs, and this Measure was a thousand Cubits; that the other Measure was *from without the City*, and so from the End of the Suburbs inward, or into the City, and that Measure was two thousand Cubits: But, says our Author, “ To make two Stations, one from the Wall, “ the other from the Centre of the City, “ when both are order’d to be taken from “ the Wall, is very absurd:” But where will the Absurdity lie, if there is no Order to take both Measures from the Wall? Let the Reader trust his own Eyes: In the fourth Verse there is an express Order to measure from the Wall of the City, and outwards, only a thousand Cubits; in the fifth Verse there is an Order to measure from without the City two thousand Cubits, without mention of the Wall at all: And indeed it would have been very absurd, to make the Measure from the Ends of the Suburbs to the Wall to be twice as long as from the Wall to the Ends
of

of the Suburbs. The Reader will also observe the Words of the Text are directly contrary to his Supposition, that the two thousand Cubits were from the Walls outwards to the Boundaries of the Suburbs, and the thousand Cubits from the Wall inwards to the Centre or Middle of the City; when the Text is express, that the thousand Cubits (not the two thousand) are to be measured from the Wall of the City and outward, and the two thousand Cubits (not the thousand) are to be measured from without the City, or inwards.

Notwithstanding then our Author's Criticism on the Directions of the Law, my Computation of the *Levitical* Cities, at Fifty-two thousand eight hundred and forty Acres, stands right; and this Proportion to the *Hebrew* Lands, at the lowest Computation, is so far from a seventh, or a tenth, or a thirty-third, that it is not quite one in two hundred.

Our Author might indeed have spared himself and me on this Article; for tho' I think that Computation to be just, yet to make my Argument less exceptionable, I had allow'd two thousand Cubits for the Cities, over and above the Suburbs, and computed on the Foot of One hundred and ten thousand Acres, so very near our Author's own Account of One hundred and eighteen thousand eight hundred and ninety, that there need not have been any Difference on this Account. On this State of the *Levitical* Cities I had shewn,

that on the lowest Computation of the Lands of *Canaan*, they would not have been more than one in a hundred; our Author in his new Account charges them at a thirty-third: This, you will see, calls for a great Abatement.

Mor. Phil.
V.iii.343.
345.

Our Author first thinks that the *Hebrew* Lands, with which the Lands of the *Levites* are to be compared, should be only such Lands as they actually conquer'd and possess'd. He proposes therefore to compute, as exactly as he can, the whole Extent of the Country, and then to throw out all that belong'd to the *Philistines*. Since our Author is pleas'd to take this Way, let us follow him, for we shall find many Errors to be corrected in this Part of his Account.

There is something very observable on our Author's first setting out on this Computation, which seems a little too artful for a fair and open Account. He makes use of Mr. *Whiston's* Map, as the latest and most correct. Mr. *Whiston* had in that very Map estimated the Land of *Canaan* at almost Twenty thousand eight hundred square Miles, equal to thirteen Millions of Acres, which is above a Million seven hundred thousand Acres more than I made my Estimates from: So far was I from making it five or six times more than it really was, for which Reason however it seems our Moral Philosopher would willingly take me for his Surveyor, if he had an Estate to measure.

b. 344.

However,

However, our Author does not chuse to go on Mr. *Whiston's* Estimate: He measures in his own Way, first a Part of the Country only, from the *Mediterranean* to *Jordan*, and from *Tyre* to the River of *Egypt*, at One hundred and eighty Miles in Length, and seventy in Breadth, which gives Twelve thousand six hundred square Miles for the Contents of that Part of the Country.

I shall but just remark at present, that he assigns to the *Philistines* thirty Miles in Breadth, on the whole Length of One hundred and eighty Miles, for no better Reason, than because one City of the *Philistines* was thirty Miles East of the *Mediterranean*; from whence he concludes, that Five thousand four hundred square Miles of the Twelve thousand six hundred ought to be assign'd the *Canaanites* as their Possession. What a slender Foundation is this, to take away so considerable a Proportion of Lands West of *Jordan* from the *Israelites*, and give them to the *Canaanites*? Might not one strong City of the *Philistines* be advanc'd beyond the Line of their Territory? Might not the Confederate Lords of the *Philistines* have a more considerable Territory than others of their Neighbours? This is a Grant of our Author's, without sufficient Reason, or any Voucher at all. But supposing for the present, with our Author, that Five thousand four hundred square Miles should be assign'd the *Philistines*, should not, think you, the Remain-

der of the Twelve thousand six hundred, or Seven thousand two hundred, be the Possession of the *Hebrews*, then the Proportion between them would be as four to three.

Our Author cannot afford to pass such an Account as this. He proceeds therefore to draw up his Account in a very different manner, but in such a Manner as, I believe, was never offer'd to the Examination of the Publick before.

“ From *Beerſheba* to the End of the Wilderness Southward, our Author adds, was
 “ twenty-seven Geographical Miles, or thirty-two *English* nearly, which multiplied
 “ by seventy the common Breadth, give
 “ Two thousand two hundred and forty
 “ square Miles; and this was possess'd by
 “ the *Canaanites* of the Southern Plains,
 “ which the *Israelites* could never drive out.”
 What then, had the *Israelites* no Possessions at all in this Part of the Country? It is fit our Author should know, when he charges such large *Items* as these: He ought not to expect the World will be so complaisant as to take his own bare Word for it, without the least Pretence of a Voucher to warrant it.

348. But to let that pass; What use will our Author make of this *Item*? Why, says he, this Two thousand two hundred and forty, added to the Five thousand four hundred before, as the Content of *Philistia* and *Zidonia*, make Seven thousand six hundred and forty square Miles: This, which the *Israelites* never

never conquer'd, or had in Possession, is to be subtracted from the Twelve thousand six hundred square Miles, the Content of the whole Land, and the Remainder Four thousand nine hundred and sixty, will be that Part of *Canaan*, which the *Israelites* possess'd in *Canaan*, properly so call'd, or the West Side of *Jordan*, and the Dead Sea, between that and the *Mediterranean*.

The Reader perceives now, I believe, the surprizing Use our Author makes of his own Manner of Computation; and will wonder, I doubt not, to see Lands South of the River of *Egypt* reckon'd as Lands North of the said River, and no less than Two thousand two hundred and forty square Miles, subtracted from the Twelve thousand six hundred, of which they are manifestly no Part at all.

The Twelve thousand six hundred square Miles, upon our Author's own Allowance of three Sevenths to the *Canaanites*, or thirty Miles in seventy of Breadth, must leave four Sevenths to the *Israelites*; a Division on this Proportion gives Seven thousand two hundred square Miles to the *Hebrews*, and Five thousand four hundred to the *Canaanites*. Now this Proportion between the *Hebrews* and the *Canaanites* can never be altered by any Consideration of Lands in another Country, and another Place. Suppose our Author had given the *Canaanites* Twelve thousand square Miles any where in *Egypt*, or *Babylon*, would this
have

have taken away from the *Hebrews* any Lands they had in *Canaan*? or would it have added any Lands to what the *Philistines* possess'd in *Canaan*? The Inhabitants then North of the River of *Egypt*, would have just the same Proportion of Lands in that Country, whoever possess'd the Lands South of the River, which had no more to do with the Lands North of the River, than any of the Lands about *Thebes* or *Memphis*.

The true Use our Author ought to have made of the Contents of the Land South of the River of *Egypt*, was to have added the Two thousand two hundred and forty to the Twelve thousand six hundred, and so have made Fourteen thousand eight hundred and forty square Miles, the Contents of the whole Country, both North and South of the River, and then to have divided it between the *Hebrews* and *Canaanites*, in the Proportion of three to four. Thus the *Canaanites*, in our Author's Proportion, would have had Six thousand three hundred and sixty, and the *Hebrews* Eight thousand four hundred and eighty. It is by an egregious and palpable Error, by adding to the *Canaanites* Lands North of the River what ought not to be added to them, and by subtracting from the *Hebrew* Lands, North of the said River, what cannot be subtracted from them, that our Author concludes the *Hebrews* had no more than Four thousand nine hundred and sixty square Miles in the Country between
Zidon

Zidon and the River of *Egypt*; yet this alone is an Error of very near one half.

But this is not the only Use our Author makes of this false Account: He attempts to cook up another Account full out as erroneous and fallacious upon it. Having endeavour'd to persuade his Readers, that the Proportion of the *Hebrew* Possessions was to that of the *Canaanites* as five to nineteen; whereas on our Author's own way of reckoning truly stated, it was as four to three. He proceeds to state the Proportion of the Eastern *Hebrews* on that most erroneous Supposition: He gives therefore to the *Hebrews* no more than One thousand three hundred and ten square Miles, which added to Four thousand nine hundred and sixty, he assures us gives Six thousand two hundred and seventy for the whole Area, or Quantity of Land inhabited by the *Israelites* on both Sides *Jordan*. 348.

Our Author had computed Twelve thousand six hundred square Miles from *Zidon* to the River of *Egypt*, and Two thousand two hundred and forty South of that River, in all Fourteen thousand eight hundred and forty, there will remain for East *Canaan*, or the Content of Lands from *Jordan* Eastward to the Mountains of *Abarim*, Five thousand nine hundred and sixty square Miles, to make up the Twenty thousand eight hundred, Mr. *Whiston* reckons the Content of all *Canaan*, which the Moral Philosopher has chosen to follow. Now if this be divided between

between the *Canaanites* and *Hebrews*, according to our Author's own Proportion in Western *Canaan* of three to four, the *Hebrews* would have had for their Proportion of four Sevenths, Three thousand four hundred and six, and the *Canaanites* Two thousand five hundred and fifty-four nearly for their three Sevenths: Now add these Three thousand four hundred and six to the Eight thousand four hundred and eighty, as settled above, and the *Hebrews* would have for their Possession Eleven thousand eight hundred and eighty-six square Miles, equal to Seven million six hundred and seven thousand seven hundred and sixty Acres, allowing the *Canaanites* three Sevenths of the Whole: Now this Proportion of the Lands of the *Hebrews*, to the *Levitical* Cities, instead of giving a thirty-third to the *Levites*, will not give them a full sixty-third: So that as our Author has already corrected his first Account, by cutting off two Thirds, he must again mend his second Account, by cutting off one Half more, and reduce his thirty-third to a sixty-third.

There are still further Exceptions to be made to this Account.

I had mentioned before, that the Proportion of the Lands in *Canaan* given to the *Philistines* by our Author, was a free Gift of his own, without any sufficient Voucher: Let us now observe, this Grant is attended with much greater Difficulties than perhaps
our

our Author was aware of, when he made it.

Cast your Eyes over Mr. *Whiston's* Map, and see how much of the Tribes of *Asher*, half Tribe of *Manasseh*, *Epbraim*, *Dan*, and *Simeon*, are given to the *Canaanites* by our M. P. as being within thirty Miles of the *Mediterranean* : How very strait must the remaining Portion of these Tribes have been; they could not possibly have subsisted on it, but must have been forced, for the bare Necessaries of Life, to have retir'd and canton'd among the other Tribes, whose Lots fell to them further from the Sea. Now if this had been historical Truth, and not meer Imagination, would there not have been one Instance of Complaint from some of these Tribes, that they had indeed a Lot and Portion assign'd them in the promised Land, but it so fell out, that the *Philistines* kept Possession against 'em, and therefore they must desire some Portion in another Place, where they might live, since they could not live in that Place which the Lot had assign'd to them? Would there not have been some Intimation, at least, that they were received by the other Tribes, and lived among them, when they could not live as Tribes by themselves, and in a Country of their own? And yet the History of the *Hebrew* Nation always supposes them to live by themselves, and as distinct Tribes, in their proper Lot and Portion of Land. This is a very strong Presumption,

tion, that our Author's Allowance to the *Canaanites* is not only without Foundation, but irreconcilable to the Truth of History. There is yet another very material Difficulty in this Grant of the Moral Philosopher to the *Canaanites*, that he has hereby given them a considerable Share of the *Levites* Lands, as well as of the other *Hebrews*, for many of the *Levitical* Cities were within the Line he has assign'd for the *Canaanites* Possession.

343- He asserts, indeed, that the Spirituality had their Share in present actual Possession, whereas the other Tribes had theirs only in Hope, and in the mean time were sent a grazing to encamp in the Fields on all necessary Occasions, and to get their Allotment afterwards as well as they could by the Sword: but this Observation of our Author, as well as some we have already seen, is a little defective in a Circumstance or two of Truth.

For the *Levites* had not a present actual Possession of their Cities: *Gibbethon*, for instance, was one of the *Levitical* Cities, in the Tribe of *Dan*, yet *Gibbethon* was so long in the Hands of the *Philistines*, as to be distinguish'd in the Days of the Kings as a Part of the *Philistines* Possession; so that it was call'd *Gibbethon* of the *Philistines*, or which belonged to the *Philistines*. Even *Hebron* itself, the chief City of the Priests, was not in present actual Possession. The Division of the Land was made by *Joshua* at *Skilob*; but it was after the Death of *Joshua*, that

Josh. xxi.
23.

1 Kings
xvi. 15.

Josh. xxi.
2.

that *Judah* went against the *Canaanites* that dwelt in *Hebron*, and took it. I shall only add, that *Nob*, the City of the Priests, so famous for the Cruelty and Revenge of *Saul*, in the Massacre of *Abimelech* and his Family, was many Miles within the Line assign'd by our Author the Boundary of the *Canaanite* Territories; as were many other of the *Levitical* Cities. It ought not then to be taken for granted, that the *Levites* were in actual Possession of their forty-eight Cities, when the *Israelites* never had more than half of their Country, and so could have but one half of their Towns and Cities; especially the M. P. has no right to take this for granted, when many of them were situated in that Part of the Country which he himself has been pleas'd to grant away to the *Canaanites*. Judges.
10.

It is of very little Importance what the Number of Cities in the whole Country of *Canaan* might be, were they more or fewer. When *Hebron* was given to the Children of *Aaron*, the Fields of the City, and the Villages thereof, were given to *Caleb*. The Villages were full out as convenient and useful, likely more so, for Persons employ'd in Husbandry, and the Management of their Farms, than large Cities. To make any Computation of the Buildings of *Canaan*, the Villages and small Towns must be accounted for, as well as the Cities: so that our Author's reckoning only Four hundred and
Y eighty

eighty Cities in *Canaan*, reducing them to one half, by granting away half of them to the *Canaanites*; and then stating the Proportion of the whole forty-eight *Levitical* Cities, as a fifth Part of Two hundred and forty, will appear a very defective and false Account, as upon other Reasons, manifestly for this, that here is no Account at all of their Villages and lesser Towns, so very great a Part of the *Hebrew* Habitations. The Proportion of Villages in *Judæa* was so great, as to be remarkable by the *Roman* Historians. *Tacitus* therefore observes, they were spread all over the Country: *Magna Pars Judæa vicis dispergitur, habent & oppida*. How can then any Estimate of the *Hebrew* Buildings be made without taking them into the Account? After all, this whole Account of our Author is mistated, and quite wrong in every Article: The Proportion of the Lands of the *Levites* ought to be stated, by what was divided as the Portion of each by *Joshua*, and on no other Foot. Any Allowance therefore to the *Canaanites* at all, is more than ought to be made, for the Division was made by *Joshua*, according to the Contents of the whole Land, without any Consideration of what the *Canaanites* possessed. It was not the Fault of *Moses*, or the Constitution, that any *Canaanites* remained in the Land: It was the Fault of the *Israelites*, and a Breach of the Constitution, that any were per-

Tac. Hist.
 . v. l. 8.

permitted to do so. The real Question is, Whether *Moses* made an unequal Division of the *Hebrew* Lands? Whether the Law designed such an Over-proportion of Land in Favour of the *Levites*, as our Author asserts, in Prejudice to the other Tribes? It is an evident Fact, that the Division was made on the whole Land, containing, according to Mr. *Whiston*, whom our Author chuses to follow, Twenty thousand eight hundred square Miles, equal to Thirteen Million of Acres. This was manifestly the Proportion *Moses* and the Law designed between the Lands of the *Levites* and of the other *Hebrews*. By this then, and this only, the Justice, the Equity, the Wisdom of the Law, are to be determined; *Moses* is only accountable for this Proportion: So that after all the Pains the M. P. has taken to state this Question upon a different Foot, it is for that very Reason quite beside the Purpose, and no ways affects *Moses*, or his Laws. We must interpret the Meaning of Laws, by the Laws themselves, and not explain their Intention by any Miscarriages, be they what they will, in the after Execution of them. *Moses* then gave the *Levites*, even according to our Author's own largest Account of them, no more than One hundred and eighteen thousand eight hundred and ninety Acres, upon a Division of no less than Thirteen Million of Acres among the *Israelites* by Lot. This, in-

stead of a thirty-third, a tenth, a seventh, a fifth, as our Author in several Places estimates it, is indeed not fully one in a hundred and nine.

Our Author promises to cut the Argument short, with respect to the Tythes, or the Proportion assigned the *Levites* on the Produce of the Land: This he has done so effectually, by leaving out several Things so material to the true State of the Question, that on the Foot he has now set it, it is so loose, confused, and defective, that it is hardly possible to see the true State of the Case in question at all.

It had been shewn concerning the Revenues of the *Levites*, that their proper Provision consisted in two Articles, in forty-eight Cities for Habitation, and in a Tythe on the Produce of Fruit and Cattle: That the Revenue of the First-born, and occasional Offerings, was no Part of the *Levites* Portion, and whatever it amounted to, was appropriated to the Uses of the Tabernacle, for the Buildings, Repairs, Ornaments, Sacrifices, and other publick Expences; by all which the *Levites* were never the richer. To this our Author, to cut his Argument short, says nothing, yet continues to confound his new Account, by slipping in these Articles, and charging the First-born on the Pasture Lands at half a Tenth, and the rest of the Offerings at another half Tenth, and both together as a full Tenth on all the Lands. But this whole Article must be quite
cut

cut off, as not belonging to the Tribe of *Levi* at all : and this discharges one Tenth, or one half of his whole Account of the *Levitical* Revenue by Tythes. As to the other half of his Account, or general Tenth on Fruit and Cattle, it had been shewn, with respect to the Cattle, and so to the Pasture Grounds, which, according to our Author, were the richest Lands, and the highest Rents, that this Tythe was only a Tenth of the Young of the Cattle ; so that when a tenth Lamb, Calf, &c. was paid, the Remainder paid nothing more in Wool, Milk, or for Herbage, how many Years soever they were fed, for any Use, which must be very many that paid nothing, considering they were applied to all Uses of Husbandry and Carriage : So that a Tenth of the Young only of the Cattle, must be very short of the tenth Part of the Value of the Herbage, on which all the Cattle, for all the Uses of the whole Country, were fed.

It had been shewn also, that the whole Land of the *Hebrews* was not tytheable. No Woodlands, Timber, or *Sylva Cædua*, paid any Tythe ; to which also our Author says nothing. It appears then still, notwithstanding any thing our Author has said, or we may now well suppose he can say to the contrary, that the greater Part of the Land in Quantity, and the richest Produce in Quality, did not pay to the *Levites* a full Tenth, tho' he continues still to charge it at a Fifth.

There is yet remaining another Omission in this new Account of our M. P. which makes it most defective, and very erroneous.

A very considerable Part of these Tythes had been purchased by the *Levites* for a valuable Consideration, and were their proper Estate, as much as an Annuity paid by the Government, for a Sum of Money advanc'd by the Annuitants, for the Service of the Publick. This was estimated at near Six Pound Thirteen Shillings, in every Ten Pound they received for Tythe; so that the Tythe amounted to no more than Three and an half *per Cent.* above their own Property.

It had been also shewn, that the *Levites* in the Purchase of their Annuity had given the Publick the whole annual Produce, not an annual Rent only; whence it appear'd our Author's Distinction between an annual Rent and an annual Produce was very little to the Purpose. For if the *Levites* had kept their Lands in their own Hands, they would have had the whole Produce of them as their Property: And if they had obtain'd their Share of Land in the safest and richest Parts of the Country, they must have made a very weak Bargain, as our Author has contrived the Matter, to exchange their Lands for an Annuity. Had it not been much more for the Profit of the *Levites*, to have kept Lands in their own Possession, in the safest and richest Parts of the Country, than to have sold them
for

for an Annuity, when, according to our Author's Grant to the *Canaanites*, they were to pay the *Levites* above one half of their Annuity out of their Possessions: And if the Proportion of the *Hebrew* Lands to the Lands of the *Canaanites*, was as five to nineteen, one quarter of this Annuity only would be paid by their own Nation; yet our Author has made no Provision for the Recovery of the other three Quarters of the Annuity from the *Canaanites*, upon their Non-payment.

Mon. Phil.
V.iii.348.

Our Author takes Notice, that the Tyther or Spiritual Lord pays nothing for Labour. So far is true concerning the *Levites*, that when they parted with the Possession of their Lands to the Publick, the Publick took upon itself the whole Work of Husbandry, as it was very fit and reasonable it should, when the Lands became their own private Property. But it is not true concerning the *Levites*, that they paid nothing to the Publick in Return: The *Levites* gave up their Time to other Services of the Publick, and freed the rest of the Nation from those Services to which the *Levites* were appointed in their Room. It was therefore a very equitable Case, that the Nation should free the *Levites* in their Turn, from the Care of Husbandry, that they might perform the National Services, to which they were appointed, and by which Appointment all the rest of the Nation were freed from them.

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Our Author has omitted, I should say, suppressed, this whole Article in his Account: But I hope the Reader sees it is so material, that he can never pass a true Account without it.

The Law had said, *Jehovah spake unto Aaron, Thou shalt have no Inheritance in their Land, neither shalt thou have any Share among them.* It appears from another Law, this was

Deut.x.9. meant of the whole Tribe of Levi, *Wherefore Levi hath no Part nor Inheritance with his Brethren:* And yet our Author says it must

Mor. Phil. be further consider'd, " That this Spiritual V.iii.353. " Tribe, or Hierarchy, were not limited by " the original Grant, so as never to increase " their Inheritance or Quantity of Lands :"

For which Assertion we have only our Author's own Word. To which therefore it might be sufficient to answer, that they were limited by the original Grant not to increase their Quantity of Lands, Yet as there is a Law, which some have understood, as if a Field devoted was appointed to be the Possession of the Priests for ever, let the true Meaning of that Law be more distinctly consider'd. The Words of the Law are these :

Leviticus But the Field, when it goeth out at the Jubilee, shall be holy unto the Lord, as a Field devoted; the Possession thereof shall be the Priests. xxvii. 21.

The Question is, What Possession the Priests were to have in a devoted Field? Ac-

17, 18, 19, cording to this Law, *The sanctifying a Field,*
20. or

or its being holy unto the Lord as a Field devoted, is distinctly explain'd to mean, that it was subject to the Payment of a Sum of Money, on the Payment of which it was redeemed, and returned to be the Property of its former Owner. The Possession of the Priests then in such Lands, was only as a sort of Mortgage, for the Payment of a Sum of Money, the Equity of Redemption always remaining with the Proprietor. Whatever Possession the Priests were to have by this Law, it ought to be understood consistent with the other Laws, that *Levi was to have* Numb. xxxvi. 7. *no Part or Inheritance with his Brethren; and the Inheritance of the Children of Israel shall not remove from Tribe to Tribe; and the* Lev. xxv. 23. *Land shall not be sold for ever.* It is observable, that this Field is suppos'd to *go out* at the Jubilee, *But the Field when it goeth out at the Jubilee.* This Law then directs how this Field is to *go out* at the Jubilee, but does not enact, it is *never to go out at all*, or that it was given in Mortmain to the Priests, and their Heirs for ever. The plain Intention of this Law seems to be this, that whereas at the Jubilee, Lands return'd to the Proprietors free, without Consideration of any Incumbrances they might be charged with before the Jubilee, yet a Field that was sanctified or devoted should, notwithstanding the Jubilee, still remain subject to the Price of Redemption: The Possession of it was to be the Priests,

as before the Jubilee; the Equity of Redemption remaining also as it was before; so that in this Case the Jubilee neither extinguish'd the Claim of the Priests to a Price of Redemption, nor the Claim of the Proprietor to the Equity of Redemption.

This gives a clear Meaning to the Law, consistent with the other Laws concerning Inheritances; when to suppose this Law gave a perpetual Inheritance to the Priests, is inconsistent with the other Laws, and even with this Law itself.

Numb.
iii. 39.

There is one thing more our Author often repeats, that the *Levites* were to the Number of the other Tribes, but as one to forty. This Assertion is founded upon the Number of the Male *Levites*, from a Month old and upwards, which came to Twenty-two thousand, when the Number of the Males in the other Tribes amounted to Six hundred thousand. Others besides our Author have been misled, I think, into a considerable Error, by mistaking the Nature of this Poll; I shall therefore take this Occasion to offer something to the Reader, which, I hope, may serve to rectify this Mistake. It is taken for granted by many, that this Poll of the *Levites* included all the Males, of what Age soever, from the eldest to the youngest; and therefore that there were no more Males in the whole Tribe of *Levi* than these Twenty-two thousand. But on a closer Examination of the

the Context, it appears to me quite otherwise, and that it includes only such Males of the *Levites* as were under the Age of Service at the Tabernacle; and that all *Levites* above the Age of Service were not included in it.

It is at first View very improbable, that a thirteenth Tribe should make but a fortieth Part of the other Twelve: But to let that pass, there are conclusive Reasons, in the Context itself, which require us to understand it with some reasonable Limitations.

The Design of this Poll, was to set the Males of the *Levites* against the First-born of the *Israelites*, *As the Lord had taken the Levites from among the Children of Israel, instead* ^{Num. iii. 12.} *of all the First-born.* To answer then this Design, and to know how many of the First-born of *Israel* were to be redeem'd, as being above the Number of the *Levites*, who were taken instead of them, there is an Order in the very same Words to take the Number of all the First-born among the Children of *Israel*, and *all the First-born Males, by the Number of Names, from a Month old and upwards,* ^{ver. 43.} *of those that were numbered, of them were Twenty-two thousand two hundred and seventy three.*

It is evident this Number from a Month old and upward, must be with a Limitation to some certain Age, and could not include the whole Six hundred thousand of Military Age, together with all the Males who were under that Age; for if there were only Twenty-two thou-

thousand two hundred and seventy three First-born, there must have been Five hundred and seventy-seven thousand seven hundred and twenty-seven younger Sons, not including those that were under Military Age, the Number of Fathers of Families being supposed equal to the First-born : Hence every Marriage having a First-born with younger Sons, would on this Reckoning give twenty-five Sons, and with a Proportion of Daughters, would give above fifty Children to every Marriage throughout all *Israel* ; a Circumstance, not only improbable, but highly incredible. Some Limitation therefore is necessary, which makes this Poll of the *Levites* no Foundation from whence to conclude any certain Proportion between them and the other Tribes.

There is besides another Evidence in the Context, to confirm this Interpretation. The

Num. iv. 3. *Levites* are order'd to be number'd in another Manner, from thirty Years to fifty, all that enter into the Host to do the Work in the Tabernacle of the Congregation ; now this Number was Eight thousand five hundred and eighty : Hence it will appear, if there were Eight thousand five hundred and eighty *Levites* of an Age, between thirty and fifty, there must have been a far greater Number than Twenty-two thousand of every Age : For if all the *Levites* of every Age were no more than Twenty-two thousand, and yet the

the *Levites* between the Age of thirty and fifty, were Eight thousand four hundred and eighty, it would be a Proportion never known in the World, and contrary to all Experience. There appears then no sufficient Grounds from this Text, or from any other Reasons I have ever met with, to fix the *Levites* at a fortieth Part, tho' the M. P. argues upon it all along, as if it was an evident Proportion, when there is no Reason to prove it, when there are several Reasons to disprove it.

To take Leave of our Author, I shall not enter far into an Examination of his Notion,
 “ That the *Hebrews* had a Duality of Di-
 “ vine Persons, or Objects of Adoration and
 “ Worship, the one inferior and subordinate
 “ to the other, which he thinks is evident
 “ from all the Books of *Moses*; or that be-
 “ side *Jehovah Elohim*, they had the Angel
 “ *Jehovah*; and that this Angel of *Jehovah*
 “ was not *Jehovah Elshaddai*, or the Su-
 “ preme God, he adds, is too plain to be dis-
 “ puted with any the least Appearance of
 “ Reason.” It may not, however, be im-
 proper to take notice how little Ground there
 is for any such Notion, or therefore for any
 Consequences our Author may design to
 draw from it.

I was not a little surpriz'd to find our Author so positive, in asserting what does not seem plain to himself in other Parts of his Argument, and of which I conceive he has
 given

Mor. Phil.
V.iii.354.

given us a quite contrary Account in other Places of his Book.

Mor. Phil.

V.iii. 314,

315.

He himself observes, “ The Angel *Jehovah* had never been known under that Name, till the Time of *Moses*; for tho’ the same Angel had often appear’d, walk’d up and down, and convers’d with Men before, yet he had never till now taken the Name of *Jehovah*, which was peculiar to the Supreme Being: But *Moses* now first deify’d this Angel, because he must have a local, tutelar, oracular God, and could not have govern’d the World without it.” “ And the *Israelites*, from the Days of *Moses*, believ’d their national tutelar God to be *Jehovah*, or the Supreme God.”

If it was so plain from all the Books of *Moses*, that it cannot be disputed with any the least Appearance of Reason, as our Author is pleas’d to say in one Place, that the Angel *Jehovah* was not the Supreme God, how comes it to pass, that our Author himself should so plainly find in the same Books of *Moses*, that he taught the *Hebrews*, and all the *Israelites* believed this their national tutelar God, to be *Jehovah*, or the Supreme God. Thus then, according to our Author, *Moses* taught, thus the *Hebrew* Church believ’d, that their God, whom alone they worshipp’d, was the Supreme God. Does it appear from hence, that all the Writings of
Moses

Moses plainly shew, and that it cannot be disputed with any the least Appearance of Reason, that the *Hebrews* had a Duality of Divine Persons, Beings, or Objects of Adoration and Worship, the one subordinate and inferior to the other? Till our Author shall be pleased to answer himself, his Notion must remain, by his own Evidence, contrary to the Doctrine of *Moses*, to the Faith and Worship of the *Hebrew Church*.

Moses, it is plain, taught the *Hebrews* the God they worshipp'd was *Jehovah*; that this *Jehovah* was one Being, not a Duality of Beings, one Object of Adoration and Worship, not two.

The Doctrine of *Moses* was plainly this; *Hear, O Israel, the Lord our God is one Lord*, Deut vi. 4. in the original *Hebrew*, *Jehovah our Elobim is one Jehovah*; not according to our Author's groundless Imagination, two *Jehovahs*, one the Angel *Jehovah*, the other *Jehovah Elobim*. It is so constantly the Language of the *Hebrew Church*, that besides *Jehovah their God, there is no God*; that they were to have *no other God before him*; or that they were on no Account to acknowledge or worship any *other God besides him*, that it is needless to offer any thing in Proof of it.

Had our Author attended to one Meaning of the Word *Angel* in the *Hebrew Language*, he would likely have laid no Stress at all upon what he uses as the only Argument in Support

port of his Imagination, contrary to the Faith and Worship of the whole *Hebrew Church*, who worshipp'd *no God but Jehovah*, who believ'd *Jehovah their God was one Jehovah*.

87.

" But, says our Author, *Jacob* on his

" Death-bed, while he is blessing his Sons,

Genesis

xlviii. 15.

16.

" and taking his Leave of them, he invokes

" both God and the Angel distinctly and se-

" parately, yet both the one and the other

" directly and immediately." It is here

taken for granted, that the Word *Angel* must

mean some proper intelligent Being, or *Spi-*

rit, and that therefore an *Angel of Jehovah*

must mean a *distinct Spirit from Jehovah*;

therefore, to be sure, subordinate and inferior

to *Jehovah*, whose Agent and Minister he is.

But our Author had not consider'd, that

according to the *Hebrew Language*, not on-

ly intelligent Beings or Spirits are called An-

gels, but moreover every thing that either

notifies any Message from God, or executes

the Will of God; in particular, all *visible*

Appearances in material Symbols are called

the *Angel of Jehovah*. Thus the Elements

Ps. civ. 4.

of the World, Fire and Air, Winds and

Storms, are, in the Stile of the *Hebrew Lan-*

guage, Angels. In particular, the *Shechi-*

nah, or material Symbol of Glory, and the

Oracle, or audible Voice from thence, are

in the *Hebrew Stile*, Angels of the Lord.

Exod. iii.

2, 4.

Thus the *Shechinah*, when *Moses* saw the

Fire in the Bush, and the Oracle or Voice

he

he heard from thence, are called the Angel of the Lord: For it was *Jehovah* himself, who in this Appearance saw *Moses*, and called upon him, himself indeed invisible: So that the visible Angel which *Moses* saw, was the visible Appearance, for that alone could be the Angel which appear'd to the Sight of *Moses*. And thus the *Shechinah* which conducted the *Israelites* in the Pillar and Cloud of Fire, is called the Angel of the Lord: It is said that *Jehovah* went before them by Day ^{Ex. xiii.} in a Pillar of a Cloud, to lead them the Way, ^{21.} and by Night in a Pillar of Fire. When this Pillar of Cloud changed its Place, and went from before their Face, and stood behind them, it is said, *And the Angel of God* ^{xiv. 19.} *which went before the Camp of Israel, removed and went behind them.*

It is by no means then necessary, that *Jehovah*, and the Angel of *Jehovah*, must needs mean two distinct *Spirits*, the one God himself, the other a ministring Spirit, or Guardian Angel; since it is plain, that when *Jehovah* himself appeared in a Cloud of Fire, that Cloud of Fire, or that visible Appearance, the Symbol of his Presence, was the Angel that appeared. I leave to the Reader to infer how much this takes off from our Author's only Argument to prove a Duality of Persons, Being, or Objects of Adoration and Worship, the one inferior and subordinate to the other. This will also shew, what

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little

little Reason our Author had, from any of these Appearances, to conclude, that *Jehovah*, the God of *Israel*, was a local, circumscriptive, visible, and oracular God. Where does he find, that *Moses* ever taught, or the *Hebrew* Church ever believ'd, that *Jehovah* was properly either a local, circumscriptive, or visible Being. *Solomon*, who understood the Doctrines and Worship of the *Hebrew* Church much better than our Moral Philosopher, thus speaks of *Jehovah*, the Object of their Worship : *But will God in very deed dwell with Men on Earth ? Behold, Heaven, the Heaven of Heavens cannot contain thee ; how much less this House which I have built ! Harken therefore unto the Supplications of thy Servant, and of thy People Israel, which they shall make towards this Place ; hear thou from thy dwelling Place, even from Heaven ; and when thou bearest, forgive.*

2 Chron.
vi. 18, 21.

Does this Prayer of *Solomon* consider *Jehovah*, the God of *Israel*, the only Object of their Worship, as a local circumscriptive God, whose Presence was confin'd to the Temple ? Does it not in the strongest Manner represent *Jehovah* the only Object of their Worship, as a Being whom the Heaven of Heavens could not contain, who was to hear in Heaven, his dwelling Place, the Prayers which should be made to him at the Temple.

Jehovah is, in his own Nature as a Spirit, invisible, and so is every other Spirit, for the same

same Reason, because it is a Spirit, invisible too: What can properly be visible, is only some material Object of material Sense and Sight. To see any Spirit whatsoever, must be a figurative and metaphorical Expression, to discern by some Sign, Mark, or Effects, the *Presence of a Spirit*. Thus the *Shechinah*, the known Place of the Presence, or, according to the *Hebrew* Masters, the *Locus presentiae & commorationis*, was local and circumscriptive, visible and oracular, when the Heaven of Heavens could not contain *Jehovah*, when no Eye had seen, or possibly could properly see the invisible God, nor indeed any other proper Spirit, which may be supposed to represent him, any more than the invisible God himself. If our Author, according to his Advice to me, will keep strictly to the Nature and Constitution of the Law itself, he will find his Notion of I know not what Guardian Angel, a local, circumscriptive, visible, oracular God, is not only without Foundation, but directly contrary to the Doctrines of *Moses*, to the Faith and Worship of the *Hebrew* Church.

I take occasion to mention this Caution, the rather because our Author has so very often forgot it in this Argument; to give one surprizing Instance of it. I had observ'd, *Moses* made no Provision of Wealth or Power for his own Posterity, but had barr'd them, by the Constitution, from ha-

- ving any Share in the Honour, Power, or Wealth, even of the Priests ; that they were made incapable of the Dignity and Authority of the High Priest, whatever that might be. Dr. *Leland* had made the same Observation, to shew the great Disinterestedness of *Moses*, and how far he was from any worldly ambitious Views. This being an Observation in Favour of *Moses*, the M. P. did not like, he is resolv'd to remove it out of his Way ; and the more effectually to do so, determines *Moses* shall have no Posterity to provide for. He therefore tells Dr. *Leland*, " That he doubts he has given a mere Fiction of his own, as a Piece of true History ;" and roundly asserts, " That *Moses* had two Sons living, or any Issue or Descendant from them when he died, is not said ; and the contrary is exceeding probable, and almost certain from the Story itself." On this the M. P. proceeds to tell us another Story, much to this Purpose, " That *Moses* divorc'd his first Wife, and thereby disclaim'd the Woman and her Children : " And, as he continues his Tale, " When *Moses* destroy'd the *Midianites*, this was the Country in which *Moses* had been succour'd, nourish'd, and generously treated forty Years, from which he had taken his Wife, and who must now have perish'd with her Children, and the whole Family, as many of them as were now remain-

Heb. Gov.
196.

Mor Phil.
V. iii. 333.

334.

“ remaining ; and now, I hope, adds the
 “ M. P. I have furnish’d our Author with a
 “ *very clear Instance* of the perfect Disinte-
 “ restedness, Gratitude, human Compassion,
 “ and natural Affection of his Divine Cop-
 “ queror.” Will not the Reader receive
 this Tale with some Indignation, when he
 shall perceive that the Family of *Moses* could
 not possibly have perish’d with the *Midia-*
nites, whom the *Hebrews* cut off, and when
 there is indisputable Evidence that *Moses* had
 a numerous Posterity in the Days of *David*.
 For the *Midianites*, whom *Moses* destroy’d,
 were a different People, descended from dif-
 ferent Parents, inhabiting a Country far di-
 stant from the *Midianites*, who were *Je-*
thro’s Countrymen, from whom *Moses* had
 taken his Wife. The *Midianites* whom Calmet.
Madian.
Moses destroy’d, were Inhabitants of *Canaan*,
 to the East of *Jordan*, where the *Hebrew*
 Army then was. The *Midianites* of *Jethro*
 were Inhabitants of *Arabia*, to the East of
 the *Red Sea* ; so that the whole Desert of *A-*
rabia to the South, and a considerable Length
 of the Eastern Course of the *Red Sea*, were
 between the *Hebrew* Army and them. This
 our Author might easily have known, a ve-
 ry eminent Description of the Geography of
 the Antients having particularly pointed it
 out. I shall give the Reader the very Words,
 that it may not pass for a Fiction, at least of
 my own ; *Vides hinc duas urbes, nomine Ma-*
Z 3
dian,

Cellarii
Geo. Ant.
V. ii. 677.

*dian, five Midian, a gente sua, in duas partes
divisa, vel illius auctore, ita nominatas; una
fuit in meridie, post rubrum mare, altera ab
oriēte, ad Moabitin, & Arnonem: Prioris
fuit uxor Moſis Zippora; Poſterioris Madiani-
tides, Iſraelitas in ultima manſione, ad ſædas
voluptates, & idololatriam inlicitentes.*

As to the Fact that *Moses* left Posterity, in
direct Contradiction to our Author's Affertion,
“ That ſo cruel and blood-thirſty a
“ Man was not ſuffer'd to live in his Poſte-
“ rity, or ſurvive himſelf in his Iſſue,” it is
evident from the Records of the *Hebrew Hi-*
ſtory: Now concerning Moſes the Man of
God, his Sons were named of the Tribe of
Levi [or they were polled among the *Le-*
vites, when *David* took this Poll,] *The Sons*
of Moſes were Gerſhom and Eliezer: Of the
Sons of Gerſhom, Shebuel was the Chief. And
the Sons of Eliezer were Rehabiah the Chief:
And Eliezer had no other Sons; but the Sons
of Rehabiah were VERY MANY. The Poſte-
rity of Moſes were moreover in the ſame
Reign of David, Receivers of the Treasures
of the Dedicate Things; and he had then a
ſurviving Poſterity from both Sons: And
Shebuel the Son of Gerſhom, the Son of Moſes,
was Ruler of the Treasures: And his Brethren
by Eliezer; Rababiah his Son, and Jeſhaiah
his Son, and Joram his Son, and Zicbri his
Son, and Shelomith his Son: Which Shelomith
and his Brethren were over all the Treasures
of

1 Chron.
xxiii. 14,
15, 16, 17.

xxvi. 24,
25, 26.

of the *Dedicate Things*. I shall leave it to the Reader to determine, how far a Tale so circumstanc'd as this is reconcileable to Morality.

Lastly, our Author proposes, “Whether
 “ such a Scheme of Government was not de- 356.
 “ signed and calculated for universal Empire
 “ and Dominion, or to enslave all Mankind
 “ to this Nation.” If our Author will keep strictly to the Nature and original Constitution of the Law itself, and not barely shew, I do not say his Reading, but, his extraordinary Invention, by amusing us with his own Imaginations instead of History, he may perceive no such Design appears; that every such Attempt was impracticable by the Constitution: For neither could the Religious or Civil Constitution admit of a large Empire, or universal Dominion.

How, for Instance, could all Mankind have come up three Times a Year to *Jerusalem*, to worship there? How could all occasional Sacrifices have been offer'd on one Altar, in one particular Place? How could the Priests of Levites have had their Residence, or perform'd the Duties of their Office at the Temple or Tabernacle, according to the *Hebrew* Constitution, when dispers'd all over the World? To which of the Tribes must new Conquests have belong'd? Under whose provincial Government must they have been placed? How could Colonies or Forces

Z 4

have

have been sent out of the Holy Land, to keep in Subjection, and govern any new Conquests, that might have been made agreeable to the Constitution of the Tribes of *Israel*, which were all local, and bound by the Constitution to the *Lot of their Inheritance*? Whatever Conquests might have been made by Kings, to be kept in Subjection, as the other Empires did their Conquests, must soon have broke in on the Balance of the provincial Government of the Tribes, and have ended in a total Subversion of the *Mosaical* Plan of Government. Whoever then will consider the *Hebrew* Government strictly, according to the Nature and original Constitution of the Law itself, as our Author advises, will have Reason to conclude, that the Design of it was to keep this Nation a distinct People from other Nations, to preserve the Belief and Worship of the one True God, against Idolatry, in particular from the Worship of Demons, as Guardian Angels, Protectors of Mankind, and Inferior Gods. That *Jehovah* the Supreme God was their God, the only Object of their Worship, the Protector of this People, and would continue to be so, if they obey'd his Laws. Then they might hope with the Continuance of the true Religion, the Continuance of their Civil Constitution, to enjoy National Liberty, Peace, and Prosperity, from a powerful and kind Protection of Providence. But the whole
Plan

Plan of the *Hebrew* Government was inconsistent with an universal Empire: It must have been new form'd and model'd on a quite contrary Plan, before it could encourage the *Israelites* to make any Conquests, or before they could have been able to maintain them, if at any time they can be suppos'd to have made them: For a strong Army or Colony of *Hebrews*, out of their own Country, would have been inconsistent with the essential Laws of their Constitution, and must very soon have ended in the utter Subversion of it.

F I N I S.



CONSI-

CONSIDERATIONS

On the Reverend

Mr. *Foster's* Discourse

ON THE

JEWISH THEOCRACY.

VOL. III. SERM. XV.

By MOSES LOWMAN.

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CONSIDERATIONS

On the Reverend

Mr. *Foster's* DISCOURSE

ON THE

JEWISH THEOCRACY.

MR. *Foster*, in explaining the Law of Exod. xx. the Decalogue, [*I am the Lord thy God, who have brought thee out of the Land of Egypt, out of the House of Bondage. — Thou shalt have no other Gods before Me.*] has taken an Occasion to observe, VOL. III. p. 367. that “ some carry their Notion of the *Mosaic* Oeconomy, as a political Scheme, “ much too far, imagining this Law to be “ here inserted for Reasons derived from “ the particular Constitution of Government “ among the *Jews*, and therefore peculiar “ to them alone.” 361.

Concerning the Laws of the Decalogue, Mr. *Foster* himself observes, “ They were
I “ imme-

Considerations on Mr. Foster's Discourse

“ immediately and directly given, *only* to
 “ the *Israelitish* or *Hebrew* Nation. From
 “ whence it unavoidably follows, (he infers)
 “ that the Precepts therein-contained, ob-
 “ lige *all Mankind* no further than as they
 “ belong to the primitive, universal Reli-
 367. “ gion, and Duty of Men.” He yet observes,
 “ My own Judgment is, that these prefato-
 “ ry Words were only intended as Motives
 “ of Obedience to the first Commandment
 “ immediately subjoined.”

From these Observations of Mr. *Foster's* it
 should seem, the Laws of the Decalogue are
 of different Consideration, as they were given
 to the *Hebrew* Nation by a particular Pro-
 mulgation to them, and as the Obligation of
 the same Laws, for other Reasons, especial-
 ly such as are moral and universal, reach all
 Men, and equally oblige all Mankind.

Now the Notion of the *Hebrew Theocracy*
 seems to me, only to make this Distinction
 more clear and evident. It was not, as I ap-
 prehend, designed to assert, nor can it, by
 any proper Inference from it, be said to as-
 sert, that God was not the *God* of the *He-*
brews, as well as their *King*; or that he was
 not God over all, and supreme Lord of *all*
the Nations of the Earth, as well as the su-
 preme Civil Magistrate of the *Hebrew Na-*
tion.

Indeed the *Throne of the Kingdom of Je-*
boah over Israel, was different, in many
 things

things, from his Dominion over the whole World, as supreme Governor of all the Nations of the Earth ; but it was by no means a Consequence of that Difference, that because God was in a peculiar Manner the King of *Israel*, this excluded any other Character of *Jehovah*, as the true God, or any Rights and Authority vested in him as the true God, or any Reasons or Obligations of Obedience to him, whether from the *Hebrew* Nation, or from any other People, as all were equally subject to the Dominion of the Sovereign Lord of the whole World.

I think then, the Notion of the *Theocracy* will be greatly mistaken, when it shall be supposed to set aside any good Reasons or Motives to Obedience, or to any Act of true Religion or Morality : For though it considers God as chief Magistrate of the *Hebrew* Nation, and gives therefore his civil and political Authority as one Reason for Obedience ; yet it also receives and allows all other good Reasons whatsoever, and therefore allows that the same Act may be an Act of Irreligion and Immorality, as well as a civil Crime against the Authority of the Civil Magistrate.

There can be then no Reason from the Notion of the *Theocracy*, rightly understood, to give this as the full Meaning of the Law of the Decalogue, *Thou shalt have no other Gods before Me* ; “ Because I am thy Civil Governor, and it would therefore be Treason
I “ son



370. "son against my Person, and Rights of my
 "political Dominion." For this, though
 one Reason, a good and a true Reason, yet
 371. is not the *only* Reason ; " His independent
 "Existence and immutable Dominion over
 "all Mankind, and the whole rational Crea-
 "tion," is another. And so it may well
 be, any thing in the Notion of a *Theocracy*
 to the contrary notwithstanding.

So that let the Reasons for this Law be
 what they will, so as to make it a Law of
 Religion, and of *universal* Obligation to the
 whole World, they will be no ways incon-
 sistent with the Doctrine of a *Theocracy*,
 when itself is no ways inconsistent with God's
 original independent Existence, and immu-
 table Dominion over all Mankind, and the
 whole rational Creation.

The Argument from a *Theocracy* should
 then be considered, as I think, accumulative
 only, as taking nothing away from any Cha-
 racter of God, as the true God, and Object
 of religious Worship, or as the Supreme Lord
 and Governor of the World ; but God, for
 wise Ends, and worthy his Goodness, was
 pleased to condescend to take upon himself
 a more immediate Administration of the Ci-
 vil Government of the *Hebrew* Nation. It
 matters very little how this shall be represent-
 ed : If some are better pleased with repre-
 senting it thus, " That God, as the universal
 " Governor of Mankind, exercised a parti-
 " cular

“ cular Providence over this selected and
 “ highly favoured Nation.” Be it so; pro-
 vided this particular Providence be understood
 to mean what it really was in Fact, an Admin-
 istration of the Civil Government of the *He-
 brew* Nation, in such manner, that it may
 be truly said of it, with the *Psalmist*, *He hath* Pf. cxlvii.
20.
not dealt so with any other Nation.

Moreover, this Notion of the *Theocracy*
 no way derogates from any Perfection of
 God's universal Providence, or any Exercise
 of his Authority as universal Governor of
 Mankind; on the contrary, this particular
 Providence to the *Hebrew* Nation shew'd a
 very merciful and wise Dispensation of gene-
 ral Providence, to preserve the Knowledge
 and Worship of the true God in the World,
 and prevent it from being utterly lost from
 the Face of the whole Earth: So that the
 very Notion of the *Theocracy*, shews an ul-
 timate Design to promote, not an abstracted,
 but a general Good, (not any private Good,
 in Opposition to a general Good, or even
 without a Design and Fitness to promote it.)
 Such a Supposition, being solely founded on
 a Mistake of the true Notion of a *Theocracy*,
 can neither obscure it, or invalidate it, as
 Mr. *Foster* thinks it does.

Mr. *Foster* makes it a Question, “ Whe-
 “ ther the History given of the *Hebrew* Peo-
 “ ple, their Constitution and Laws, ——— 372.
 “ necessarily constitutes any such parti-
 A a “ cular

“ cular Relation, and Bond of Union, as is
 “ here supposed ;” or which is the true
 Meaning of it, whether *Jehovah* was properly the King of *Israel*, or supreme Civil Magistrate of the *Hebrew* Nation.

“ The History given of the *Hebrew* People, it is alledged, shews that God had
 “ taken upon him the express Character,
 “ and discharged all the Functions of their
 “ supreme, civil Ruler. This appears from
 “ being the Founder of their Polity, and
 “ the Compiler of their Laws. He resided
 “ among them with visible Marks of Royal
 “ Majesty ; he fought their Battles, subdued
 “ their Enemies ; in all Matters of Doubt,
 “ where inferior Councils were perplexed,
 “ might be appealed to for Advice, and
 “ when subordinate Courts, or Judges of Equity, were embarrass'd in their Resolutions, for a final Decision of Controversies ;
 “ he punished National Corruption, and Degeneracy, and rewarded National Virtue, and Obedience, the one with temporal
 “ Disgrace and Calamity, and the other with
 “ Prosperity, and Honour ; so that they had
 “ no other Head of their political State, to
 “ whom they were obliged absolutely to
 “ submit, and from whom there was no
 “ Appeal.”

Thus Mr. *Foster* represents the Evidence
 the *Hebrew* History gives to the *Theocracy*,
 or that *Jehovah* was properly the King of
Israel.

Israel. Mr. *Foster* does not deny or question the Truth of these Facts, to which many more might be added ; in particular, that the Laws of that Nation, settled by *Jehovah*, were unalterable, nor was there any Power lodged any where in the *Hebrew* State to repeal an old Law, or to make a new one ; and that *Jehovah* exercised the Right of nominating and removing their Magistrates, and for a long Series of Time administered these principal Parts of Government : So that a *Theocracy*, or that God acted as King of *Israel*, is represented as interwoven into the *Hebrew* Constitution, and essential to it. Now supposing these historical Facts to be true, they necessarily constitute such a particular Relation and Bond of Union, as is supposed in the *Theocracy*. For these Acts of Civil Authority, are all the Acts of the legislative or executive Civil Powers, which in any State constitute the supreme, Civil Authority, and is the true Meaning of the *Majestas Imperii*. These all were placed by the *Hebrew* Constitution in *Jehovah*, were all used and exercised by him. These Facts shew evidently that *Jehovah* was so the King of *Israel*, and in such a particular Relation to that Nation, as he was not to any other People or Nation of the Earth.

It may, however, be still usefully observed, as the Defenders of the *Theocracy* have themselves pointed it out to Observation, that

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this

this particular Providence to the *Hebrews*, is no ways contrary to any general good Design to the whole World, but manifestly in Aid of one good Design, to prevent the universal Corruption of the World, by the Prevalency of Idolatry. This particular Blessing to the *Hebrews*, was also a general Blessing to the Heathen Nations, but necessarily constituted a particular Relation between *Jehovah* and the *Hebrew* Nation as their King, and as such became the Means of a general Blessing to the World in general. Mr. *Foster* is pleas'd further to observe on the Notion of the *Hebrew Theocracy*, " That supposing the
 " theocratical Form of Government among
 " the *Jews*, to be a Point incontestible, it
 " seems scarce capable of affording a full and
 " satisfactory Answer to the Objection raised
 " against the *Hebrew* Law, for devoting I-
 " dolaters to Death." Mr. *Foster's* Reason is this, " When the People of *Israel*, fond of
 " Novelty, and of imitating the Customs of
 " other Nations, were stubbornly, and in-
 " flexibly resolved, notwithstanding all the
 " Remonstrances of the Prophet *Samuel* to
 " the contrary, to have a visible and mortal
 " King; God upon this Occasion declared,
 " *That they had rejected him, that he should*
 " *not reign over them.* And as his former
 " political Reign is founded on a supposed
 " Contract between the Almighty Sovereign
 " and his People, that original Contract be-
 " ing

1 Sam.
viii. 7.

“ ing now solemnly renounced on the Part
 “ of the People, there must of course be a
 “ Dissolution or End of the *Theocracy*. And
 “ yet Idolatry was still deemed a capital Of-
 “ fence, and punished as such ; and the Pu-
 “ nishment itself was without Doubt, de-
 “ signed to be continued, as long as the *Mo-
 “ saic* Constitution and Body of Laws con-
 “ tinued Authoritative, and in Force.”

This Inference of Mr. *Foster's* is attended with two considerable Difficulties: *First*, That it is contrary to Fact, for the *Theocracy* was not dissolved, and did not come to an End by obtaining a King instead of a Judge, according to the original Constitution. And, *Secondly*, That the Reason assigned for the Dissolution of the *Theocracy* does not infer it.

As to the Case in Fact, the Change of the Magistracy of Judges into the Magistracy of Kings, was an Alteration in the Government, and some Kind of Breach of the Constitution, but not a Dissolution of it. The other Parts of the Constitution remained as they were ; their Laws received no Alteration, but stood still on the same Authority of *Jehovah's* legislative Power. His Authority, as supreme Magistrate, appeared still, in nominating, and even removing their Kings, and in giving them Directions by the Oracle, and often punishing them for their Miscarriages. Many Instances in the *Hebrew* History, after this Change in the lower Part of the Govern-

ment, evidently shew that the supreme Powers and Authority were still reserved in the Hands of *Jehovah*.

In what lower Sense soever, this rash Desire of the People, to have Kings instead of Judges, may be said, *to reject God that he should not reign over them*, it must only mean some Breach of the Constitution, but not a Dissolution of it. They did not renounce all Allegiance to *Jehovah*, nor was *Jehovah* deposed from his supreme Authority, nor did he himself abdicate it.

Consider the whole Transaction itself, and there will appear a great Regard to the Constitution, even when the *Israelites* desired this Alteration: The Elders of the People moved it by Petition to the Judge; the Judge lays the Petition before *Jehovah*; *Jehovah* answers the Judge, and consents to it: *And the Lord said unto Samuel, hearken unto the People, in all they say unto thee.*

1 Sam. viii.
7.

It was a rash and insolent Demand of the People, and justly blamed as dishonourable to the Wisdom and Authority of the Constitution, as well as dangerous to their own Liberties and Happiness, yet the Goodness of God saw fit to grant the Petition. It was wise to prevent many more, and greater Evils by this Condescension. If the Petition for a King had been rejected, the People might in their Rashness have thrown off the Law itself, and conformed to all the idolatrous

Customs of their Neighbours, as well as to this Custom of the Nations, of having a King: So that in this Grant of the Peoples Petition, in Part they are punished, by permitting an Alteration to their own Hurt, as is afterwards proved in Experience, and which was foretold to them, when *Samuel* shewed them *the Manner of the King that should reign over them*; and in part they were prevented from a total Apostacy, and the Constitution was preserved from a Dissolution. It is manifest then the *Theocracy* remaining in Fact, the Laws against Idolatry actually stood upon the same Foot after this Alteration in the *Hebrew* Government as it did before. For indeed the *Majestas Imperii* was never placed in the Kings, but ever resided in the Hands of *Jehovah*, as well after that Alteration as before. But supposing the original Compact to have been solemnly renounced, and therewith all Allegiance to *Jehovah* as King, which in Fact it was not, how does it appear, "That
 " the original Compact being solemnly re-
 " nounced on the Part of the People, there
 " must of course be a Dissolution, or End of
 " the *Theocracy*," as Mr. *Foster* reasons? 374.

There is good Reason, that where one Party to a Covenant refuses to perform what is agreed on his Part, he forfeits for himself the Right of demanding the Performance of what was agreed by the other Party, and promised to him by the Compact. But there

Considerations on Mr. Foster's Discourse

can be no good Reason, why one Party forfeiting his own Rights, should thereby extinguish the Rights of the other Party. Was it ever a Maxim of Law or Equity, that the unlawful Rebellion of a People, could extinguish the lawful Powers or Authority of their Prince? or that when a Compact between two Parties was agreed to, and perfected, it remained still in the Will of either Party singly, to annul it, without the Consent of the other. The *Israelites* in renouncing *Jehovah* as their King, could not annul his Authority, or his Right by the original Compact; however they might forfeit their own Rights by their own Misdemeanours, they are no good Reason sure to extinguish the Right of their King. It is then very far from a good Reason, "That the original Compact being now solemnly renounced on the Part of the People, there must of course be a Dissolution, or End of the *Theocracy*," because it was not in the Power of the People, by any Act of theirs, as a single Party to the Compact, to put an End to it; for it would have really been no Compact at all, if either Party might have put an End to it, whenever they pleased, through Rashness, Humour, or any other Motive. Compacts can be dissolved only by mutual Consent of both, or, which amounts to mutual Consent, when one Party discharges the Obligation of the other Party, by refusing to perform his
Part

Part of the Compact, and the other Party accepts the Discharge, and declares himself free from all Obligations by it.

However, Mr. *Foster* setting aside this Notion of a *Theocracy*, proposes another in the Room of it. "We must therefore, I think, seek for some other Principle (he says) by the Help of which to explain, and resolve this Difficulty. A political Principle (he allows) it must be, since mere Conscience and religious Error are not the proper Subjects of religious Laws, and I know of no other that can be substituted in the Room of that which I have now rejected, as too uncertain and weakly supported, but this, that Idolatry was punished as High-Treason against the State, and not against the Person and Majesty of the King of the *Jews*."

374-
375-

It is not easy to conceive what great Difference there is, in our present Question at least, between High-Treason against the *Hebrew* State, and against the Person and Majesty of the King of the *Jews*. For what Mr. *Foster* calls the Majesty of the King of the *Jews*, was indeed no other than the supreme Authority of Government in the *Hebrew* Nation, which with political Writers is much the same Thing as the State. High-Treason against one is really High-Treason against both. For any Attempt against the supreme Authority of any Nation, is an Attempt

tempt against the State, and must tend to deprive the Nation of all the Blessings that Government procured for them, and bestowed upon them. High-Treason is properly the same Crime in all Governments; however,

175. Mr. *Foster* may suppose, "That what is " High Treason in a kingly Government, is " not so in a Common-wealth." Treason is properly defined *Crimen læsæ Majestatis*, a Crime against the Authority and Majesty of the Government, or supreme Magistracy; or the Persons in whose Hands the supreme Administration of the Government is lodged, subject to no Superiour. This Majesty of Empire is the same, is vested with the same Authority and Powers, whether placed in one Hand, or in a few Hands, or in the Hands of a whole Community, whatever tends directly to subvert the fundamental Constitution of any Form of Government, be it Kingdom or Common-wealth, is an Attempt against the Majesty of the Government, or *Crimen læsæ Majestatis*, and as such, High-Treason. Mr. *Foster* very justly observes, "Whatever " defeats, so far as it prevails, the ultimate " End, and directly subverts the fundamental Principles of any particular Form of " Government, must be, in the Nature of " Things, (if the End be good, and the Government rightly constituted) a capital " Offence." In this View it appears to me, that Treason against the State, and against the

the Person and Majesty of the King of the *Jews*, is so very nearly one and the same Crime, that there is scarce any perceivable Difference between them. It will appear that Idolatry is Treason against the State of *Israel*, because it is Treason against the King of *Israel*, all the Ends of the *Hebrew* Government depending upon the Support of the chief Authority of the King of *Israel*, forasmuch as to destroy that Authority, was the same Thing as to destroy that Government it self.

I could have wish'd Mr. *Foster* had left the *Hebrew Theocracy* to have shifted for itself, on another Account. It might have given some Assistance to his own Reason, and without some Assistance from the *Theocracy*, his own Reason, which he puts in the Room of it, will, I fear, be found, on closer Examination, to be no Reason at all. Mr. *Foster* supposes the true Reason why Idolatry was punished, " Was as High-Treason against the State, and not against the Person and Majesty of the King of the *Jews*." But how is Idolatry High-Treason against the State? It is not so, Mr. *Foster* allows, as a speculative Doctrine, not as a general Law of Religion to all Mankind; for thus he observes, the " Offender renders himself accountable to God alone;" and if the Prohibition of Idolatry had been thus as an universal Law of Reli-

- Religion, High-Treason against the *Hebrew* State, it would have been, for the same Reason, High-Treason against every State. Mr. *Foster* is very sensible, to constitute High-Treason, it must be considered as a political Principle, since, as he observes, “ Mere Con-
 374. “ science and religious Error are not the proper Subjects of religious Laws.” What then is this political Principle with Mr. *Foster*? “ It is the End for which the Constitution of the *Jews* was formed, viz. to
 375. “ prevent their being over-run with Idolatry : . . And as the judicial Laws in that Scheme of Government were admirably adapted to subserve and advance this wise and gracious End, it necessarily follows, that Idolatry, which would have frustrated the whole Design of the Constitution, and have entirely dissolved and destroyed it, must, upon the same Reasons that are allowed to be just in all other Policy, have
 376. “ deserved capital Punishment.”

This is the very Argument from the *Theocracy*, or a Consideration of the *Hebrew* State as the Kingdom of God. This State of the *Hebrew* Government is as fully asserted, and I think more clearly, when God is considered the Supreme Civil Magistrate, and Founder of their Constitution and State.

Set aside this Foundation of the *Hebrew* State, and it will be difficult to find any Foundation for it at all. In Fact, the *Hebrew* State

State was formed, and the judicial Laws in that Government were given by *Jehovah*, as King of *Israel*, in virtue of his supreme Authority, as chief Magistrate; they were not settled and enacted by the Authority of *Moses*, or the *Sanhedrim*, or the Congregation, either separately, or jointly. This seems, in Fact, the evident Foundation of the *Hebrew* State; and therefore the *Hebrew* State itself appears a Creature of the *Theocracy*, and High-Treason against the State will be found finally to recur into High-Treason against the Majesty of the King of *Israel*, the Founder and chief Magistrate of their State.

I heartily wish, for the Credit of Revelation, there may always be a ready Answer to all Objections against the *Hebrew* Laws. I think the *Theocracy* is evident in fact, in a long Series of Facts interwoven into the whole History of the Administration of the *Hebrew* Government; many more Facts than could have been expected to prove a Point of History of so remote Antiquity, and where the historical Records are so few. If the *Hebrew* Government was a *Theocracy* (as I can yet see no Reason to question it) the Argument to prove Idolatry a capital Crime, as High-Treason against the supreme Civil Magistracy, is plain, easy, and conclusive; But set the *Theocracy* aside, and it will be doubtful how the Prevention of Idolatry came to be the *End* of the *Hebrew* Government, either in Reason, Authority, or Fact. It may be

be prudent then to preserve the Argument from the *Hebrew Theocracy*, lest we should lose the Argument from the *Jewish State* together with it, and so be left at last without any good Reason at all, whereby to answer this common Objection against the *Hebrew Laws and Constitution*, a Consequence which every true Friend of Revelation would be very careful to prevent.

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